



1600 E. South Weber Drive  
South Weber, UT 84405

Agenda  
801.479.3177  
southwebercity.com

## PLANNING COMMISSION AGENDA

Watch Live or at your convenience: <https://www.youtube.com/c/southwebercityut>

PUBLIC NOTICE is hereby given that the Planning Commission of SOUTH WEBER CITY, Utah, will meet in a regular public meeting on Thursday November 9, 2023, at South Weber City Hall, 1600 E. South Weber Dr., commencing at 6:00 p.m.

### **WORK SESSION OPEN**

1. Discussion on External Accessory Dwelling Units (ADU)
2. Discussion on Title 10 Conditional Use

### **POLICY OPEN** (Agenda items may be moved in order or sequence to meet the needs of the Commission)

3. **Pledge of Allegiance:** Commissioner Boatright
4. **Public Comment:** Please respectfully follow these guidelines.
  - a. Individuals may speak once for 3 minutes or less: Do not remark from the audience.
  - b. State your name & city and direct comments to the entire Council (They will not respond).
5. **Approval of Consent Agenda:**
  - a. PC2023-10-12 Minutes

### **ACTION ITEMS:**

6. **Public Hearing & Action on Preliminary Plat, Improvement Plans & Rezone for South Bench Meadows Subdivision Parcel# 13-030-0009, approx. 2.169 acres located at approx. 1721 E South Weber Dr. by Applicant: Jon Wall**
7. Final Plat (12 lots) for Riverwood Subdivision Phase 2 Parcel# 13-005-0038 located at approx. 75 W South Weber Dr. by Applicant: Nilson Homes
8. **Public Hearing & Action on Plat Amendment for Public Works Subdivision 1<sup>st</sup> Amendment Parcel# 13-358-0002 located at approx. 104 E South Weber Dr by Applicant: South Weber City**
9. **Public Hearing & Action on Title 10 Chapter 19: Accessory Dwelling Units Amendments**
10. **Public Hearing & Action on Title 10 Chapter 7: Conditional Use Permit Amendments**

### **REPORTS:**

11. New Business
12. Commission & Staff
13. Adjourn

In compliance with the Americans with Disabilities Act, individuals needing special accommodations during this meeting should notify the City Recorder, 1600 East South Weber Drive, South Weber, Utah 84405 (801-479-3177) at least two days prior to the meeting.

THE UNDERSIGNED DULY APPOINTED BUILDING MANAGER FOR THE MUNICIPALITY OF SOUTH WEBER CITY HEREBY CERTIFIES THAT A COPY OF THE FOREGOING NOTICE WAS MAILED, EMAILED, OR POSTED TO: 1. CITY OFFICE BUILDING 2. FAMILY ACTIVITY CENTER 3. CITY WEBSITE [www.southwebercity.com](http://www.southwebercity.com) 4. UTAH PUBLIC NOTICE WEBSITE [www.pmn.utah.gov](http://www.pmn.utah.gov)

**DATE: October 26, 2023**

**BUILDING MANAGER: Kimberli Guill**

# **SOUTH WEBER CITY PLANNING COMMISSION MEETING**

**DATE OF MEETING:** 12 October 2023

**TIME COMMENCED:** 6:00 p.m.

**LOCATION:** South Weber City Office @ 1600 East South Weber Drive, So. Weber, UT

**PRESENT:**

**COMMISSIONERS:**

Gary Boatright  
Jeremy Davis  
Julie Losee  
Marty McFadden  
Chad Skola (excused)

**CITY ENGINEER:**

Brandon Jones

**COMMUNITY SERVICE DIRECTOR:** Trevor Cahoon

**DEVELOPMENT COORDINATOR:** Kimberli Guill

**Minutes:** Michelle Clark

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**ATTENDEES:** Paul Sturm and Michael Grant.

Commissioner Davis called the meeting to order and welcomed those in attendance.

**1. Pledge of Allegiance:** Commissioner Davis

**2. Public Comment:** Please respectfully follow these guidelines.

- Individuals may speak once for 3 minutes or less: Do not remark from the audience. State your name & city and direct comments to the entire Commission (Commission will not respond).

**3. Approval of Consent Agenda**

- 14 September 2023 Minutes

Commissioner Losee moved to approve the consent agenda as written. Commissioner Davis seconded the motion. A roll call vote was taken. Commissioners Davis, Losee, and McFadden voted aye. Commissioner Boatright abstained. The motion carried.

**ACTION ITEMS**

#### **4. Public Hearing & Action: Titles 10 & 11 Amendments and Development Standards to Comply with State Code Updates:**

Community Services Director Trevor Cahoon announced due to State law changes effective May 4, 2023, the city must assess the need for updating the city subdivision ordinance. Notably, these modifications revolve around reinforcing the administrative nature of subdivisions, especially for 1 or 2 family dwellings and townhomes.

Mr. Cahoon noted all changes are designed to reinforce the administrative nature of subdivisions, streamline processes, and ensure clear guidelines for all stakeholders. There are many areas of the new code that strictly follow State Code and are not discretionary.

1. **Administrative Land Use Authority Designation:** The proposal ensures that we have designated an "administrative land use authority" for preliminary plats within our subdivision ordinance. This is in keeping with the recent mandate. The options presented in the revision also allow flexibility to the city—whether it be the staff or the entire planning commission to review the preliminary plat.
2. **Concept Plan Review Elimination:** We have taken steps to eliminate any mandates for a concept plan review, as required by the new law. We now suggest that it be optional, with it being incorporated into the preliminary plat under a different designation.
3. **Complete Application Definition:** We have thoroughly defined what constitutes a "complete" application, further streamlined with checklists for both planning and engineering.
4. **Review Process Timing:** The proposed revisions strictly adhere to the timings specified under the new law. There's the initial review of the preliminary plat within 15 business days and the review of the final plat within 20 days. Importantly, only four reviews between preliminary and final approval are allowed.
5. **Engineering Standards Review:** The reviews are in harmony with previous laws where clear engineering standards are provided. These standards have been formulated keeping public feedback in mind and will be adopted after due diligence and procedure.
6. **Bonding and Landscaping:** As per the provisions in House Bill 406, we have updated the ordinance to reflect that bonding for landscaping on private property is no longer permissible. Also, bonding language has been refreshed to ensure that assurances are only for public infrastructure.
7. **Road Standards Compliance:** The revised ordinance addresses the new residential roadway standards from House Bill 406.
8. **Inclusion of New Appeal Process:** As Senate Bill 174 outlines, we have incorporated two distinct appeal processes once the four review cycles and after 20 days have elapsed. This is to ensure fair and unbiased judgment in case of any disputes:
  - For disputes relating to public improvement or engineering standards, a three-person panel will be convened within 10 days of a request. This panel is carefully constructed to avoid any conflicts of interest and to ensure unbiased judgments.
  - For all other disputes, matters will be referred to the designated appeal authority. The costs for this appeal process will be shared equally by the applicant and the municipality, ensuring that both parties have equal stakes in the decision.

City Engineer Brandon Jones reviewed the flow chart enclosed in the packet. The Planning Commission agreed after reviewing it the flow chart makes sense. Mr. Cahoon reviewed the Legislative and Administrative decisions with the amendments and how that relates to the Planning Commission. Mr. Jones expressed the rezone of property must be approved prior to preliminary review. He reminded the Planning Commission it is important to understand the city

staff is not driving this but doing the best to follow the state requirement. Commissioner Boatright queried if this is good, bad, or in between for the city. Mr. Cahoon replied this will streamline the process but understands it can be difficult when the state issues mandates to cities. He does feel the amendments will enhance the Planning Commission. Mr. Jones communicated if there is a good element to this, it is the citizens should help inform land use through the general plan process. Commissioner Losee referenced Section 11.02.08 *The Planning Commission may hold public hearings for preliminary plat applications, but such public hearings are not required.* Commissioner Boatright advised depending on the subdivision, it may be worth it to hold a public hearing. Mr. Cahoon added the chairperson and city staff decide whether a public hearing should be held.

Mr. Jones reviewed the amendments to road width standards. They are as follows:

***CURBED ROAD SECTION***

<b><i>STREET DESIGNATION</i></b>	<b><i>T.B.C. TO T.B.C. (A)</i></b>	<b><i>CENTERLINE TO T.B.C. (B)</i></b>	<b><i>ASPHALT WIDTH (C)</i></b>	<b><i>PARKSTRIP (D)</i></b>	<b><i>T.B.C. TO PROPERTY LINE (E)</i></b>
<b><i>LOCAL RESIDENTIAL</i></b>	<b><i>37'-0"</i></b>	<b><i>18'-6"</i></b>	<b><i>32'-0"</i></b>	<b><i>9'-6"</i></b>	<b><i>16'-6"</i></b>
<b><i>SPECIAL RESIDENTIAL (SEE GENERAL NOTE 11)</i></b>	<b><i>41'-0"</i></b>	<b><i>20'-6"</i></b>	<b><i>36'-0"</i></b>	<b><i>7'-6"</i></b>	<b><i>14'-6"</i></b>

Mr. Cahoon reviewed amendments to Title 10 Section 10-2-7 and 10-14-5 as well as the moving of impact fees from Title 11 to Title 2.

Commissioner Davis suggested Commissioner Skola's comments be included in the minutes which is as follows:

- Some of my notes. Page 59. The city also does the ordering?
- Page 70 pre-construction meeting, then in the paragraph it calls it a conference. Not a big deal, just noticed.
- Overall, I think what is recommended makes sense in the blue.
- On the rezone I think it all makes sense.

**Commissioner Losee moved to open the public hearing for Titles 10 & 11 Amendments and Development Standards to Comply with State Code Updates. Commissioner Boatright seconded the motion. A roll call vote was taken. Commissioners Boatright, Davis, Losee, and McFadden voted aye. The motion carried.**

**\*\*\*\*\* PUBLIC HEARING \*\*\*\*\***

(No Public Comments)

**Commissioner McFadden moved to close the public hearing for Titles 10 & 11 Amendments and Development Standards to Comply with State Code Updates. Commissioner Boatright seconded the motion. A roll call vote was taken. Commissioners Boatright, Davis, Losee, and McFadden voted aye. The motion carried.**

**\*\*\*\*\* PUBLIC HEARING CLOSED \*\*\*\*\***



Commissioner Losee moved to recommend approval of Titles 10 & 11 Amendments and Development Standards to Comply with State Code Updates including the items:

- Section 11.07.04 referencing the minimum required fencing but noting that alternate fencing can be approved by Planning Commission as provided later in the section.
- Update the word “any” instead of “the” in the standard residential street section.
- Clarify on page CW1 placement of the water meter to be centered on the frontage.
- Modify any inconsistency of the term conference to the word meeting.

Commissioner McFadden seconded the motion. A roll call vote was taken. Commissioners Boatright, Davis, Losee, and McFadden voted aye. The motion carried.

**5. Public Hearing & Action on Rezone of the Current South Weber Public Works Property from R-L & A to R-M Parcel# 130300009, approx. 2.169 acres located at approx.1721 E South Weber Dr. by Applicant: South Weber City**

Community Services Director Trevor Cahoon explained the city is in process of relocating the Public Works Facility from its current location on South Weber Drive. The property currently occupied by the Public Works Facility (appx 2.169 acres) will be put on the market for sale. Prior to any sale, the city would like to rezone the property to conform with the General Plan and make it clear what the future land use would be for the site.

The property currently has a split zone between R-L and A. The General Plan anticipates the property to be R-M and the current proposal is to rezone it to R-M.

Commissioner Boatright moved to open the public hearing for Rezone of the Current South Weber Public Works Property from R-L & A to R-M Parcel# 130300009, approx. 2.169 acres located at approx.1721 E South Weber Dr. by Applicant: South Weber City. Commissioner Losee seconded the motion. A roll call vote was taken. Commissioners Boatright, Davis, Losee, and McFadden voted aye. The motion carried.

\*\*\*\*\* PUBLIC HEARING \*\*\*\*\*

(No Public Comments)

Commissioner Boatright moved to close the public hearing for Rezone of the Current South Weber Public Works Property from R-L & A to R-M Parcel# 130300009, approx. 2.169 acres located at approx.1721 E South Weber Dr. by Applicant: South Weber City. Commissioner Losee seconded the motion. A roll call vote was taken. Commissioners Boatright, Davis, Losee, and McFadden voted aye. The motion carried.

\*\*\*\*\* PUBLIC HEARING CLOSED \*\*\*\*\*

Commissioner McFadden moved to recommend approval of the rezone of the current South Weber Public Works Property from R-L & A to R-M Parcel# 130300009, approx. 2.169 acres located at approx.1721 E South Weber Dr. by Applicant: South Weber City. Commissioner Boatright seconded the motion. A roll call vote was taken. Commissioners Boatright, Davis, Losee, and McFadden voted aye. The motion carried.

**REPORTS****6. New Business**

**Vacancy on Planning Commission:** Mr. Cahoon reported a notice will be sent out concerning the upcoming vacancy on the Planning Commission. Commissioner Losee announced she has discussed serving another term with the Planning Commission.

**City Christmas Party:** Mr. Cahoon announced the City Christmas Party will be December 1, 2023, at 6:00 p.m. at Weber State University.

**7. Commission & Staff**

**Commissioner McFadden:** reported he learned from the recent conference the different types of voting and suggested the possibility of writing down and submitting a vote. The Planning Commission was not in agreement with this style of voting.

**Commissioner Losee:** expressed her takeaway from the conference is “Be a part of a community that believes in itself.”

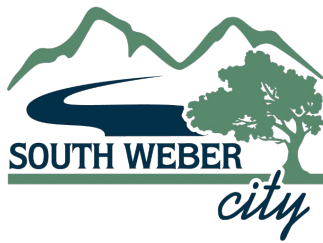
**Commissioner Davis:** thanked city staff for all the work put into this packet. And Kim for giving enough time to review the packet.

**8. ADJOURN:** Commissioner Boatright moved to adjourn the Planning Commission meeting at 7:19 p.m. Commissioner Losee seconded the motion. A roll call vote was taken. Commissioners Boatright, Davis, Losee, and McFadden voted aye. The motion carried.

**APPROVED:** \_\_\_\_\_ **Date** \_\_\_\_\_  
**Chairperson: Jeremy Davis**

\_\_\_\_\_  
**Transcriber: Michelle Clark**

**Attest:** \_\_\_\_\_ **Building Manager/Dev. Coordinator: Kimberli Guill**



## PLANNING MEMORANDUM

6 Preliminary South Bench Meadows

1600 E. South Weber Drive  
South Weber, UT 84405

801.479.3177  
southwebercity.com

To: Planning Commission  
From: Trevor Cahoon, Community Services Director  
Re: South Bench Meadows

Project Information	
Project Name	South Bench Meadows
Site Location	Approx. 7494 S 1025 E
Tax ID Number	13-192-0001
Applicant	Jon Wall
Owner	Jon Wall
Proposed Actions	Preliminary Subdivision and Rezone
Current Zoning	A
General Plan Land Use Classification	R-M
Gross Site	2.84
Number of Units	5
Units Per Acre	1.76

### ACTION

Administrative Action: Consider approval of Preliminary Plat

Legislative Action: Consider recommendation of rezone from Agriculture (A) to Residential Moderate (R-M).

### ITEMS FOR PLANNING COMMISSION REVIEW

- **Preliminary Plat.** Preliminary Plat Items to Consider:
  - *Legal Description:* This has been supplied
  - *Subdivision Name:* The Subdivision name appears on the plat and is consistent with the application that has been submitted.
  - *Lot Sizes and Orientation:* Complete and complies.
  - *Parcel Numbers or Lot Numbers of Surrounding Properties:* When recording the plat, it is necessary to indicate the parcel identification numbers or the lot number for adjoining subdivisions. This plat will need this updated information for the final plat.
  - *Right-of-Way (ROW) Dedication:* The ROW has been indicated on the drawings. This development is utilizing Private ROWs. This development will have a temporary turn around that will be dedicated until the roadway is constructed to the west.
  - *Utility Easements:* The General Utility Easement required for property has been indicated on the plat.

- *Signature Boxes:* Signature Boxes will be required for the Final Plat.
- **Improvement Plans:** Developer has submitted improvement plans to be included in the submission.
- **Rezone Application:** The developer has included a rezone application for this property. The request is consistent with the General Plan.

#### **PLANNING CODE REVIEW**

PL-1: Zoning

- **Pending:** The application has been submitted.

PL-2: Project Size

- **Complete:** The Project totals 2.84 Acres.

PL-3: Lot Area/Density

- **Complete**
  - All lots comply with the area requirements of 9000 sq ft minimum.
  - Current density calculations are 1.76 units per acre. This meets code.

PL-4: Lot Width

- **Complete:** All lot widths meet requirements of the proposed zone.

PL-5: Setbacks

- **Complete:** All lots have appropriate dimension to accommodate setback requirements.

PL-6: Roads

- **Complete.** The road provided meets requirements for the General Plan.

#### **ENGINEERING REVIEW**

- **E1. Will Serve Letters:**

- Status: *COMPLETE*

- **E2. Plan Review Approval Letters:**

- Action: Obtain approval letter from the Davis & Weber Counties Canal Company (DWC) for secondary water service. Address the 14 bullet items as listed in their review letter dated September 5, 2023 prior to Final Plat Submittal.

- **E3. Geotechnical Report & Sensitive Lands:**

- Status: *COMPLETE*
-

## **PLAT**

- **E4. Plat Comments:**
  - Action: Address the minor marked-up comments on the Plat for the Final Plat.

## **IMPROVEMENT PLANS**

- **E6. Storm Water Retention, Detention, and LID:**
  - Action: Utilize Appendix A in the City Standards for volume and rate calculations for the storm drain system and update for Final Plat. Additionally, provide the LID Analysis and Report as stipulated in Section A8. Adhere to the Utah guidelines for this process.



CIVIL ENGINEERING		LAND PLANNING		LAND SURVEYING		STRUCTURAL ENGINEERING		CIVIL ENGINEERING		LAND PLANNING		LAND SURVEYING		STRUCTURAL ENGINEERING		CIVIL ENGINEERING		LAND PLANNING		LAND SURVEYING												
<div><div>SOUTH BENCH MEADOWS</div><div>7494 SOUTH 1025 EAST</div><div>SOUTH WEBER, UTAH</div></div>																																
<div>VICINITY MAP</div> <div></div>											<div>GENERAL NOTES</div> <div>1) ALL WORK WITHIN THE SOUTH WEBER CITY RIGHT OF WAY SHALL CONFORM TO THE SOUTH WEBER CITY STANDARDS &amp; SPECIFICATIONS.</div> <div>2) ALL WORK PERFORMED ON SOUTH WEBER CITY OWNED UTILITES &amp; CONNECTIONS THERETO SHALL CONFORM TO THE SOUTH WEBER CITY STANDARDS &amp; SPECIFICATIONS.</div> <div>3) ALL WORK PERFORMED ON DAVIS &amp; WEBER COUNTIES CANAL COMPANY OWNED UTILITIES AND CONNECTIONS THERETO SHALL CONFORM TO THE CANAL COMPANY STANDARDS AND SPECIFICATIONS.</div> <div>4) CONTRACTOR SHALL OBTAIN AND REVIEW A COPY OF ALL OF THE ABOVE MENTIONED STANDARDS AND SPECIFICATIONS.</div> <div>5) THESE PLANS CALL FOR BUT ARE NOT DESIGN DRAWINGS FOR THE RELOCATION, AND/OR REMOVAL OF EXISTING DRY UTILITIES INFRASTRUCTURE. DESIGN DRAWINGS FOR SAID RELOCATIONS AND REMOVALS SHALL BE BY OTHERS.</div> <div>6) CALL BLUESTAKES 48 HOURS PRIOR TO DIGGING.</div> <div>7) CONTRACTOR SHALL FIELD VERIFY LOCATIONS OF ALL EXISTING MANHOLES AND OTHER UTILITIES BEFORE BUILDING OR STAKING ANY UTILITY LINES.</div> <div>8) BENCHMARK IS: THE NORTH QUARTER CORNER OF SECTION 33, TOWNSHIP 5 NORTH, RANGE 1 WEST, SLB&amp;M. ELEVATION = 4490.10</div>											<div>DEVELOPER</div> <div>JONATHAN WALL</div> <div>TEL: 801-628-6722</div>										
<div>UTILITY DISCLAIMER</div> <div>THE CONTRACTOR IS SPECIFICALLY CAUTIONED THAT THE LOCATION AND / OR ELEVATIONS OF EXISTING UTILITIES AS SHOWN ON THESE PLANS IS BASED ON RECORDS OF THE VARIOUS UTILITY COMPANIES AND WHERE POSSIBLE, MEASUREMENTS TAKEN IN THE FIELD. THE INFORMATION IS NOT TO BE RELIED ON AS BEING EXACT OR COMPLETE. THE CONTRACTOR MUST CALL THE LOCAL UTILITY LOCATION CENTER AT LEAST 48 HOURS BEFORE ANY EXCAVATION TO REQUEST EXACT FIELD LOCATIONS OF UTILITIES. IT SHALL BE THE RESPONSIBILITY OF THE CONTRACTOR TO RELOCATE ALL EXISTING UTILITIES WHICH CONFLICT WITH THE PROPOSED IMPROVEMENTS SHOWN ON THE PLANS.</div>											<div>ENGINEER / SURVEYOR</div> <div></div> <div>327 WEST GORDON AVE. #3 LAYTON, UT 84041</div> <div>Phone: (801) 773-1910 Fax: (801) 719-6738</div>																					
<div>NOTICE TO CONTRACTOR</div> <div>ALL CONTRACTORS AND SUBCONTRACTORS PERFORMING WORK SHOWN ON OR RELATED TO THESE PLANS SHALL CONDUCT THEIR OPERATIONS SO THAT ALL EMPLOYEES ARE PROVIDED A SAFE PLACE TO WORK AND THE PUBLIC IS PROTECTED. ALL CONTRACTORS AND SUBCONTRACTORS SHALL COMPLY WITH THE "OCCUPATIONAL SAFETY AND HEALTH REGULATIONS: OF THE U.S. DEPARTMENT OF LABOR AND THE STATE OF UTAH DEPARTMENT OF INDUSTRIAL RELATIONS CONSTRUCTION SAFETY ORDERS." THE CIVIL ENGINEER SHALL NOT BE RESPONSIBLE IN ANY WAY FOR THE CONTRACTORS AND SUBCONTRACTORS COMPLIANCE WITH SAID REGULATIONS AND ORDERS.</div> <div>CONTRACTOR FURTHER AGREES THAT HE SHALL ASSUME SOLE AND COMPLETE RESPONSIBILITY FOR JOB-SITE CONDITIONS DURING THE COURSE OF CONSTRUCTION OF THIS PROJECT, INCLUDING SAFETY OF ALL PERSONS AND PROPERTY, THAT THIS REQUIREMENT SHALL APPLY CONTINUOUSLY AND NOT BE LIMITED TO NORMAL WORKING HOURS, AND THAT THE CONTRACTOR SHALL DEFEND, INDEMNIFY AND HOLD THE OWNER AND THE CIVIL ENGINEER HARMLESS FROM ANY AND ALL LIABILITY, REAL OR ALLEGED IN CONNECTION WITH THE PERFORMANCE OF WORK ON THIS PROJECT, EXCEPTING FOR LIABILITY ARISING FROM THE SOLE NEGLIGENCE OF THE OWNER OR ENGINEER.</div>											<div>GOVERNING AGENCIES</div> <div><div><div>CITY</div><div>SOUTH WEBER CITY 1600 EAST SOUTH WEBER DR. SOUTH WEBER, UT 84050 PHONE: 801-479-3177 FAX: 801-479-0066</div></div><div><div>TRANSPORTATION</div><div>SOUTH WEBER CITY PUBLIC WORKS 1600 EAST SOUTH WEBER DIRVE PHONE: 801-479-3177</div></div><div><div>FIRE INSPECTION</div><div>SOUTH WEBER CITY FIRE MARSHALL 1600 EAST SOUTH WEBER DR. SOUTH WEBER, UT 84050 PHONE: 801-479-3177 FAX: 801-479-0066</div></div></div> <div><div>SEWER</div><div>SOUTH WEBER CITY PUBLIC WORKS 1600 EAST SOUTH WEBER DR. SOUTH WEBER, UT 84050 PHONE: 801-479-3177 FAX: 801-479-0066</div></div> <div><div>STORM DRAIN</div><div>SOUTH WEBER CITY PUBLIC WORKS 1600 EAST SOUTH WEBER DR. SOUTH WEBER, UT 84050 PHONE: 801-479-3177 FAX: 801-479-0066</div></div> <div><div>CULINARY WATER</div><div>SOUTH WEBER CITY PUBLIC WORKS 1600 EAST SOUTH WEBER DR. SOUTH WEBER, UT 84050 PHONE: 801-479-3177 FAX: 801-479-0066</div></div>																					

SECONDARY WATER

DAVIS & WEBER COUNTIES CANAL COMPANY  
138 WEST 1300 NORTH  
SUNSET, UT 84015  
CONTACT PERSON: RICK SMITH  
PHONE: 801-774-6373

POWER

ROCKY MOUNTAIN POWER  
SALT LAKE CITY, UT  
ED ZIEBER 801-543-3017

NATURAL GAS

DOMINION ENERGY UTAH  
333 SOUTH STATE STREET  
PO BOX 45360  
SALT LAKE CITY, UT 84145  
MIKE DAVIS 801-395-6806

SOUTH WEBER IRRIGATION COMPANY

6715 SOUTH 475 EAST  
SOUTH WEBER, UT 84405  
PHONE: 801-920-7814

TELEPHONE

QWEST CORPORATION  
1425 WEST 3100 SOUTH  
SALT LAKE CITY, UT 84119  
GARY WEAVER: 801-626-5380

CABLE

COMCAST CABLE CORPORATION  
9602 SOUTH 300 WEST  
SANDY, UT 84070  
PHONE: 885-782-1061

Engineering & Land Surveying, Inc.

327 West Gordon Ave #3  
Layton, UT 84041

Phone: (801) 773-1910  
Fax: (801) 773-1925

SOUTH BENCH MEADOWS  
COVER SHEET  
FOR: JONATHAN WALL  
7494 SOUTH 1025 EAST  
SOUTH WEBER, UTAH  
PROJECT #23-018



REVISION	BY	DATE

SURVEYED BY

SB

7-2023

DESIGNED BY

SB

DRAWN BY

SB

09/13/23

APPROVED BY

SB

09/13/23

CALL BLUESTAKES

1-800-662-4111

AT LEAST 48 HOURS BEFORE DIGGING

SHEET

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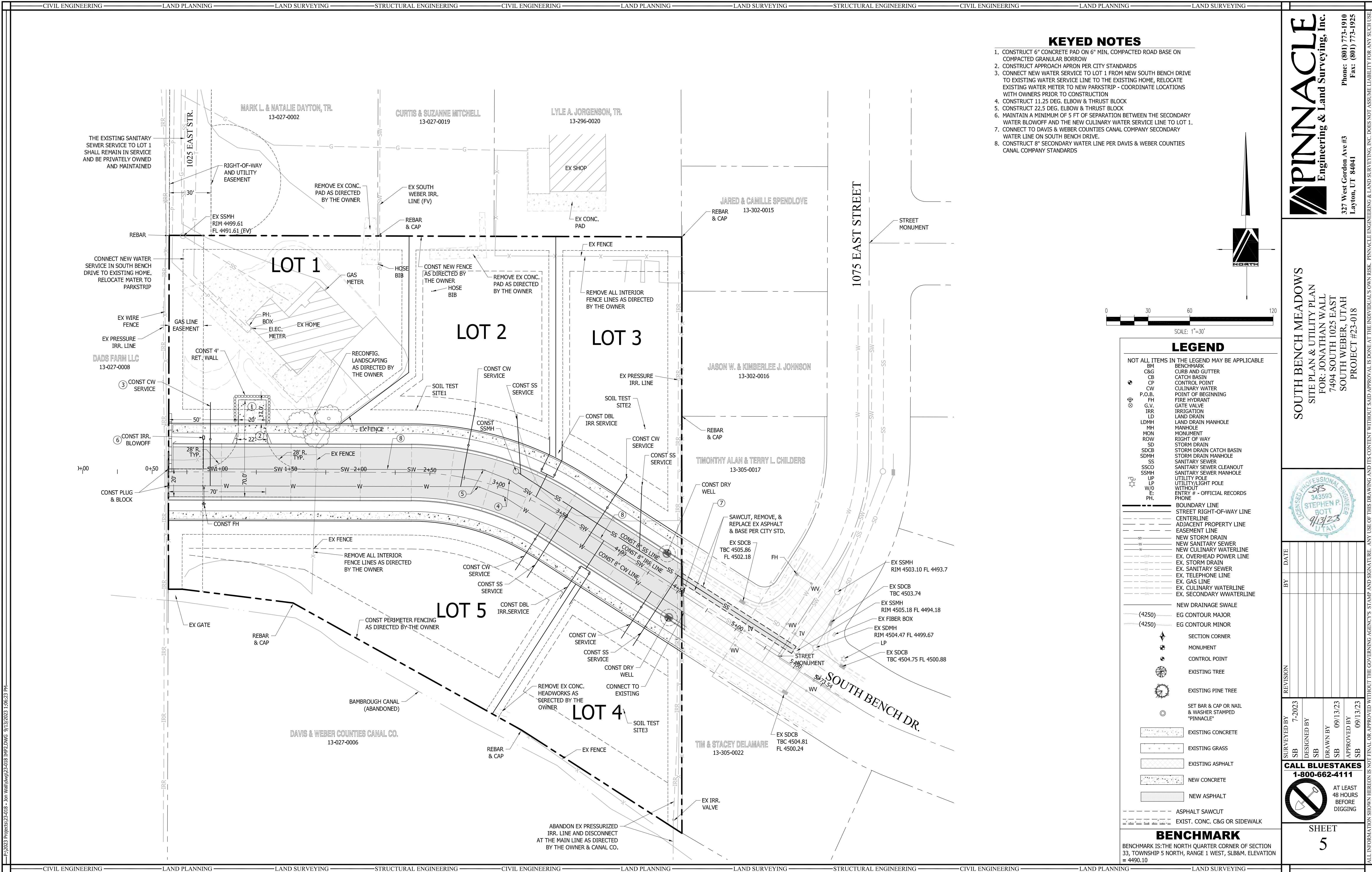




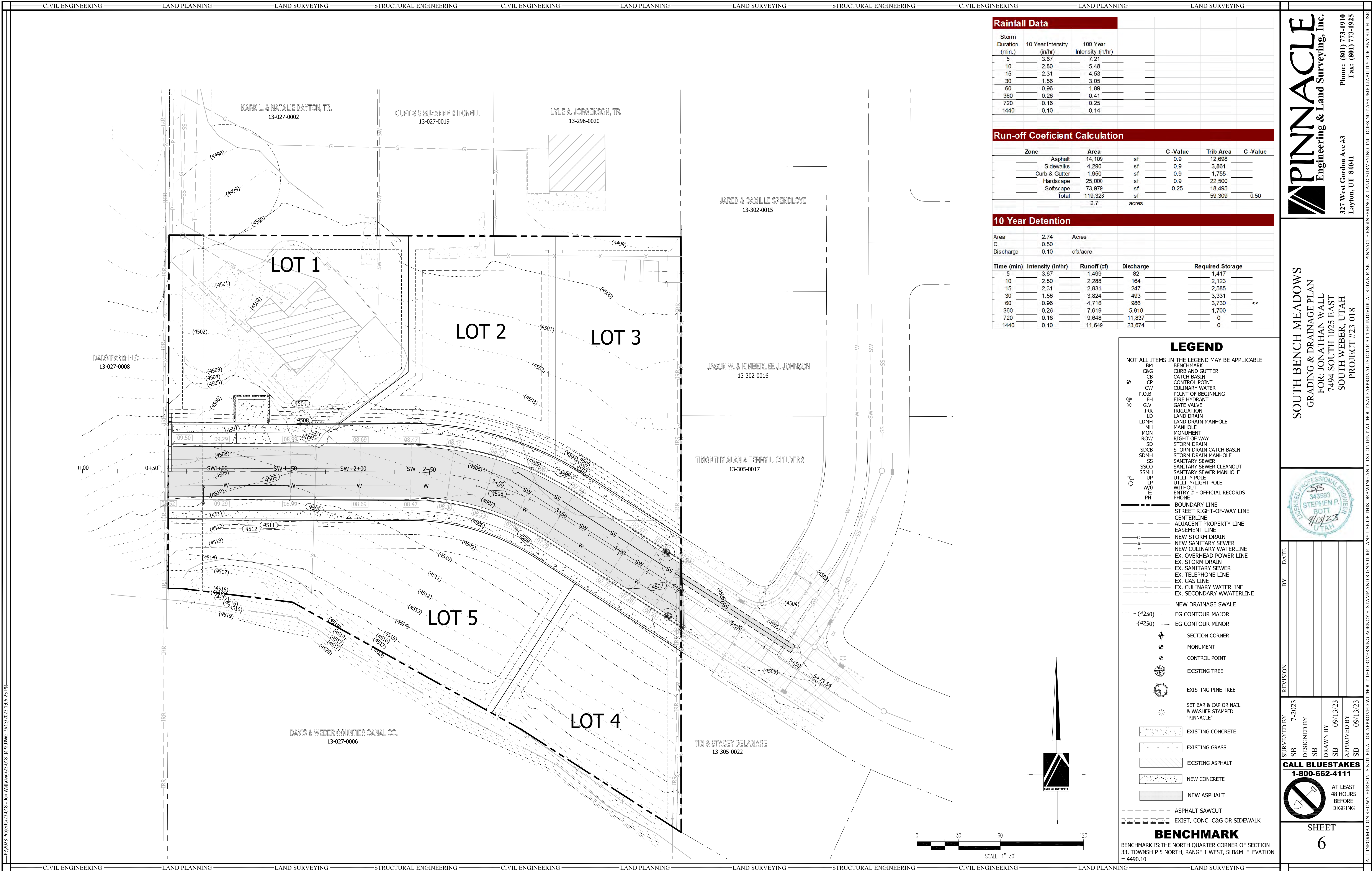




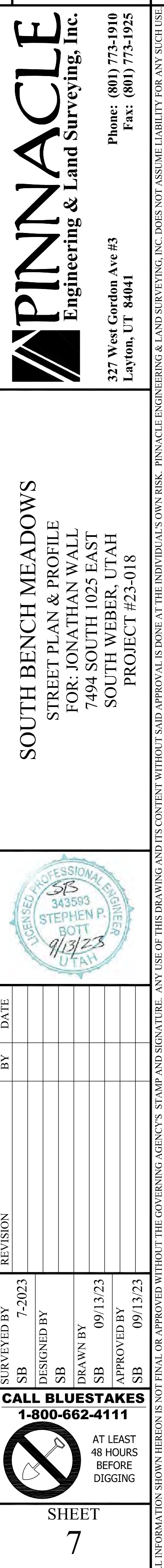




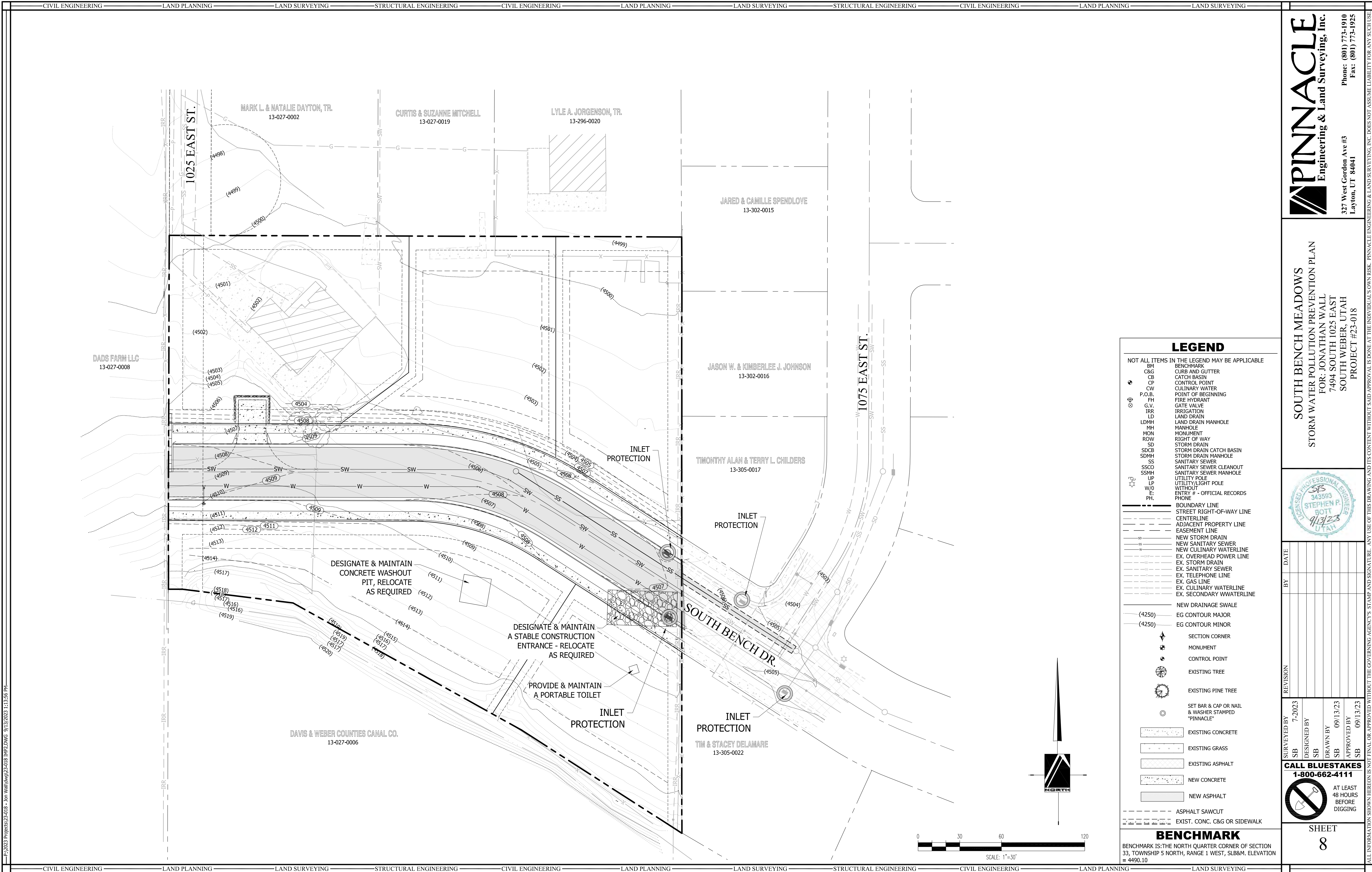












Phone: (801) 773-1910  
Fax: (801) 773-1925

SOUTH BENCH MEADOWS  
STORM WATER POLLUTION PREVENTION PLAN  
FOR: JONATHAN WALL  
7494 SOUTH 1025 EAST  
SOUTH WEBER, UTAH  
PROJECT #23-018



REVISION	BY	DATE

SURVEYED BY SB	7-2023
DESIGNED BY SB	
DRAWN BY SB	09/13/23
APPROVED BY SB	09/13/23

CALL BLUESTAKES  
1-800-662-4111

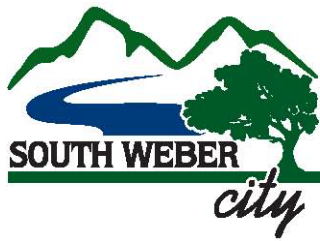


SHEET  
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## PLANNING MEMORANDUM

7 Final Plat Riverwood Phase 2

1600 E. South Weber Drive  
South Weber, UT 84405

www.southwebercity.com

801-479-3177  
FAX 801-479-0066

To: South Weber City Planning Commission

From: Trevor Cahoon, Community Services Director

Re: Final Plat (12 Lot Plat) for Riverwood Subdivision Phase 2 Parcel# 13-005-0038 located at approximately 75 W South Weber Dr. for applicant: Nilson Homes

Project Information	
Project Name	Riverwood Phase 2
Site Location	75 West South Weber Drive
Tax ID Number	130050038
Applicant	Steve Anderson, Nilson Homes
Owner	Lynn Wood – Trustee (Larry D. Ray Revokable Trust)
Proposed Actions	Final Subdivision Recommendation from Planning Commission
Current Zoning	R-LM
General Plan Land Use Classification	R-LM
Net Site - Phase 2	6.535 Acres
Gross Site	33.03 Acres
Number of Units Phase 2	12
Gross Number of Units	56
Net Density - Phase 2	1.84 units per acre

### ACTION

Administrative Action: Final Subdivision Plat

### ITEMS FOR PLANNING COMMISSION REVIEW

- **Preliminary Plan Acceptance.** Planning Commission to Review that the Preliminary Application is complete and any conditions of approval are satisfied.
  - *Conditions of Approval:*
    - Planning Commission to receive copies of all existing easements on the parcel prior to final approval as well as any new easements. **Complete: These are included in the plat.**
    - State of Utah approval regarding APZ zones. **Complete: This letter has been received accepting the plan as in compliance with the easement requirements.**
    - UDOT approval for access on South Weber Drive. **Complete.**
    - Approval from Rocky Mountain Power in regards to bio swell for storm water retention.
    - Submit a landscaping plan. **Complete.**
    - Identify type of fence material for east side fence. **The fence on the east of the property is not required of the developer it will be required at the time of the future development of the adjacent parcel.**

- Annexation letter from Davis and Weber County. **Annexation is complete.**
- Preliminary approval letter for secondary water with appropriate shares. **Complete.**
- **Final Plat.** After the preliminary plan approval, the next step in the process is recommending approval or denial of the Final Plat to the City Council. The Planning Commission as the Land Use Authority has made approvals of the preliminary plans after which the City Staff verifies the improvement plans are finalized to construction ready drawings. The Plat is the only item that needs City Council approval as this is a decision about how to subdivide the property. Final Plat Items to Consider:
  - *Legal Description:* This has been supplied
  - *Subdivision Name:* The Subdivision name appears on the plat and is consistent with the application that has been submitted.
  - *Lot Sizes and Orientation:* All lot sizes are consistent with the R-LM.
  - *Addresses and Street Names:* This has been completed.
  - *Parcel Numbers or Lot Numbers of Surrounding Properties:* When recording the plat it is necessary to indicate the parcel identification numbers or the lot number for adjoining subdivisions. This plat has that necessary information.
  - *Right-of-Way (ROW):* The ROW has been indicated on the drawings for dedication to the City and the widths comply with the City Standards.
  - *Utility Easements:* The General Utility Easement required indicated on the plat.
  - *Signature Boxes:* All signature boxes are supplied.
  - *Phasing:* Developer is choosing to go forward with phase 1 at this time as they are still working out the annexation of the property for phase 2.

#### **APPROVALS PREVIOUSLY GRANTED BY PLANNING COMMISSION**

- **Improvement Plans:** Developer has submitted improvement plans which were reviewed by the City Engineer.

#### **RECOMMENDATIONS PREVIOUSLY GRANTED BY PLANNING COMMISSION**

- **Rezone:** The Planning Commission recommended approval of the rezone request a portion of the property from A to R-LM at the October 20, 2021 meeting.

#### **STAFF REVIEW SUMMARY**

City Staff has done a review of and have reviewed the following items:

##### **Planning Review:**

##### **PL-1: ZONING **COMPLETE****

The current zoning for this phase is R-LM and complies with the requirements of the zone.

##### **PL-2: PROJECT DENSITY CALCULATION**

The density of this phase does fit the requirements of the R-LM zone

##### **PL-3: PROJECT SIZE **COMPLETE****

The phase is approximately 6.535 acres.

**PL-4: LOT AREAS COMPLETE**

Minimum lot area is 10,000 square feet in the R-LM zone. All lots comply.

**PL-5: LOT WIDTH COMPLETE**

Lot widths are a maximum of twenty five percent (25%) of all lots within any development phase may be a minimum of eighty feet (80') in width; and a minimum of twenty five percent (25%) of all lots within any development phase shall be a minimum of one hundred feet (100') in width; and the width of all lots within any development phase shall average a minimum of ninety feet (90') in width. The lots comply with this code.

**PL-6: SETBACKS COMPLETE**

The lots indicate the buildable area of each lot and all comply with the requirements of the code and allow for development of the property.

**PL-7: ACCESS COMPLETE**

We have received the conditional access permit from UDOT and the subdivision complies with the terms of the permit. The City will be dedicating a portion of the property to the east of the development for the continuation of Harper Way which is required for the development to be constructed due to the number of units.

**PL-8: LANDSCAPING COMPLETE**

Developer has submitted a landscape plan for the storm water basin.

**Engineering Review:**

1. Dedication of the ROW for the extension and connection of Harper Way will be the responsibility of the city, and executed by amending the Public Works Subdivision plat. This is being handled as part of the public works facility project.
  2. The easements for the Weber Basin Water Conservancy District transmission line, and the Central Weber Sewer Improvement District outfall line that run along the I-84 ROW are included and have been approved by these entities.
  3. There is an Open Space parcel being provided as a part of Phase 2. The detention basin, utility lines, and a public trail area being located in this parcel. The trail connects to Harper Way and goes behind Lots 201-208.
  4. The Riverdale Bench Canal is being relocated and piped. The majority of this relocation lies within Phase 2. A recent Supreme Court ruling related to what constitutes a regulated facility by the Army Corps of Engineers seems to indicate that the Riverdale Bench Canal may not be a regulated facility. However, the city cannot make this determination. Therefore, it is the developer's responsibility to determine if a permit from the Army Corps of Engineers is required, and if so, apply for and receive the permit.
-

5. If additional shares are needed from the South Weber Irrigation Company for the lots in Phase 2, they must be acquired before a building permit can be issued.



**NORTHWEST CORNER**  
SECTION 20  
TSN, R1W  
SL&M  
(FOUND 1941  
BRASS CAP)

**WEST QUARTER CORNER**  
SECTION 20  
TSN, R1W  
SL&M  
(NOT FOUND)

**SOUTHWEST CORNER**  
SECTION 20  
TSN, R1W  
SL&M  
(FOUND 1941 BRASS CAP)

**RIVERWOOD SUBDIVISION PHASE 2**

LOCATED IN THE SOUTHWEST QUARTER  
OF SECTION 20  
TOWNSHIP 5 NORTH RANGE 1 WEST  
SALT LAKE BASE & MERIDIAN  
SOUTH WEBER CITY, DAVIS COUNTY, UTAH  
OCTOBER 2023

**LEGEND**

SECTION CORNER

EXISTING STREET MONUMENT

PROPOSED STREET MONUMENT

SET 5/8" REBAR WITH YELLOW PLASTIC CAP, OR NAIL STAMPED "ENSGN ENG. & LAND SURV."

GENERAL UTILITY EASEMENT

EASEMENTS

SETBACK LINE

SECONDARY WATER EASEMENT

SEWER EASEMENT

**NOTES**

- UTILITIES SHALL HAVE THE RIGHT TO INSTALL, MAINTAIN, AND OPERATE THEIR EQUIPMENT ABOVE AND BELOW GROUND AND ALL OTHER RELATED FACILITIES WITHIN THE PUBLIC UTILITY EASEMENTS IDENTIFIED HEREIN, INCLUDING THE RIGHT OF ACCESS TO SUCH FACILITIES AND THE RIGHT TO REQUIRE REMOVAL OF ANY OBSTRUCTIONS INCLUDING STRUCTURES, TREES AND VEGETATION THAT MAY BE PLACED WITHIN THE G.U.E. THE UTILITY MAY REQUIRE THE LOT OWNER TO REMOVE ALL STRUCTURES WITHIN THE G.U.E. AT THE LOT OWNER'S EXPENSE, OR THE UTILITY MAY REMOVE SUCH STRUCTURES AT THE LOT OWNER'S EXPENSE. AT NO TIME MAY ANY PERMANENT STRUCTURES BE PLACED WITHIN THE G.U.E. OR ANY OTHER OBSTRUCTION WHICH INTERFERES WITH THE USE OF THE G.U.E. WITHOUT THE PRIOR WRITTEN APPROVAL OF THE UTILITIES WITH FACILITIES IN THE G.U.E.
- PROPERTY IS ZONED R-1M.  
A. FRONT YARD SETBACK IS 20'  
B. REAR YARD SETBACK IS 25'  
C. SIDE YARD SETBACK IS 10' EACH SIDE  
D. CORNER LOT SIDE YARD SETBACK IS 20' STREET SIDE
- ALL GENERAL UTILITY EASEMENTS (GUE) ARE 10' ALONG STREET FRONTAGE, UNLESS OTHERWISE NOTED HEREON.
- ALL EXISTING AND PROPOSED STREETS ARE PUBLIC STREETS
- APPLICABLE DESIGN CRITERIA FOR CULINARY WATER, SEWER, STORM DRAIN AND ROADWAYS HAS BEEN USED PER SOUTH WEBER CITY SPECIFICATIONS. APPLICABLE DESIGN CRITERIA FOR IRRIGATION HAS BEEN USED PER RIVERDALE BENCH CANAL COMPANY.
- PROTECT ALL EXISTING SECTION CORNERS AND STREET MONUMENTS. COORDINATE ALL SURVEY STREET MONUMENT INSTALLATION, GRADE ADJUSTMENT AND ALL REQUIRED FEES AND PERMITS WITH THE COUNTY SURVEYOR PRIOR TO DISRUPTION OF ANY EXISTING MONUMENTS.
- 5/8" X 24" REBAR AND CAP WILL BE PLACED AT ALL REAR LOT CORNERS AND FRONT LOT CORNERS WILL BE MARKED WITH A NAIL OR RIVET AT THE EXTENSION IN THE CURB.
- ALL STRUCTURES WILL CONFORM WITH MINIMUM DISTANCE FROM POWER LINES.
- NOTICE TO PURCHASERS: THE CITY OPERATES A PUBLIC WORKS FACILITY TO THE EAST OF THIS SUBDIVISION, WHICH OPERATES ALL HOURS OF THE DAY AND NIGHT, AND MAY CAUSE NOISE, LIGHT, ODORS OR OTHER CONDITIONS ASSOCIATED WITH ITS OPERATION. PURCHASERS AFFIRMATIVELY ACCEPT THAT SUCH CONDITIONS ARE LIKELY TO OCCUR.

**CURVE TABLE**

CURVE	RADIUS	LENGTH	DELTA	BEARING	CHORD
C1	25.00'	12.99'	29°46'42"	S59°56'26"E	12.85'
C2	63.00'	48.36'	43°58'59"	N67°02'34"W	47.18'
C3	63.00'	129.89'	118°07'45"	S31°54'04"W	108.08'
C4	63.00'	1.96'	1°46'43"	S28°03'11"E	1.96'
C5	63.00'	180.21'	163°53'28"	S53°00'12"W	124.76'
C6	25.00'	12.94'	29°39'32"	N14°06'46"W	12.80'

**VICINITY MAP**

NO SCALE

SOUTH WEBER, DAVIS COUNTY, UTAH

**OPEN SPACE PARCELA**  
93,052 sq. ft.  
2.136 acres

**LOT 208**  
12,827 sq. ft.  
0.294 acres

**LOT 207**  
13,455 sq. ft.  
0.309 acres

**LOT 206**  
13,632 sq. ft.  
0.313 acres

**LOT 205**  
13,810 sq. ft.  
0.317 acres

**LOT 204**  
13,987 sq. ft.  
0.321 acres

**LOT 203**  
14,165 sq. ft.  
0.325 acres

**LOT 202**  
14,342 sq. ft.  
0.329 acres

**LOT 201**  
15,745 sq. ft.  
0.361 acres

**LOT 209**  
11,770 sq. ft.  
0.270 acres

**LOT 210**  
14,553 sq. ft.  
0.334 acres

**LOT 211**  
11,236 sq. ft.  
0.258 acres

**LOT 212**  
10,968 sq. ft.  
0.252 acres

**LOT 110**

**LOT 111**

**LOT 112**

**LOT 123**

**LOT 133**

**LOT 134**

**DOMINION ENERGY UTAH APPROVAL**

DOMINION ENERGY UTAH - NOTE WITH NO EXISTING NATURAL GAS EASEMENT

QUESTAR GAS COMPANY, dba DOMINION ENERGY UTAH, HEREBY APPROVES THIS PLAT SOLELY FOR THE PURPOSES OF CONFIRMING THAT THE PLAT CONTAINS PUBLIC UTILITY EASEMENTS. DOMINION ENERGY UTAH MAY REQUIRE ADDITIONAL EASEMENTS IN ORDER TO SERVE THIS DEVELOPMENT. THIS APPROVAL DOES NOT CONSTITUTE ABROGATION OR WAIVER OF ANY OTHER EXISTING RIGHTS, OBLIGATIONS OR LIABILITIES INCLUDING PRESCRIPTIVE RIGHTS AND OTHER RIGHTS, OBLIGATIONS OR LIABILITIES PROVIDED BY LAW OR EQUITY. THIS APPROVAL DOES NOT CONSTITUTE ACCEPTANCE, APPROVAL OR ACKNOWLEDGEMENT OF ANY TERMS CONTAINED IN THE PLAT, INCLUDING THOSE SET FORTH IN THE OWNER'S DEDICATION OR IN THE NOTES, AND DOES NOT CONSTITUTE A GUARANTEE OF PARTICULAR TERMS OR CONDITIONS OF NATURAL GAS SERVICE. FOR FURTHER INFORMATION PLEASE CONTACT DOMINION ENERGY UTAH'S RIGHT-OF-WAY DEPARTMENT AT 800-336-8532

APPROVED THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 20\_\_\_\_.

BY: \_\_\_\_\_

TITLE: \_\_\_\_\_

**ENSGN**

LAYTON  
919 North 400 West  
Layton UT 84041  
Phone: 801.547.1100  
Fax: 801.553.6315

SALT LAKE CITY  
Phone: 801.225.0529

TOOELE  
Phone: 435.843.3580

CEGAR CITY  
Phone: 435.854.4043

RICHI-FIELD  
Phone: 435.896.2583

WWW.ENSGNENG.COM

**DEVELOPER**  
NILSON HOMES  
5617 SOUTH 1475 EAST  
SOUTH OGDEN, UTAH 84403

**CITY ATTORNEY'S APPROVAL**

APPROVED THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 20\_\_\_\_.

BY THE SOUTH WEBER CITY ATTORNEY

SOUTH WEBER CITY ATTORNEY

**PLANNING COMMISSION APPROVAL**

APPROVED THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 20\_\_\_\_.

BY THE CITY PLANNING COMMISSION APPROVAL

CHAIRMAN, SOUTH WEBER CITY PLANNING COMMISSION

**CITY ENGINEER'S APPROVAL**

APPROVED THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 20\_\_\_\_.

BY THE SOUTH WEBER CITY ENGINEER

SOUTH WEBER CITY ENGINEER

**CITY COUNCIL APPROVAL**

APPROVED THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 20\_\_\_\_.

BY THE SOUTH WEBER CITY COUNCIL

CITY RECORDER CITY MAYOR

**SURVEY RECORDING DATA**

DATE: \_\_\_\_\_

DRAWING No. \_\_\_\_\_

**RIVERWOOD SUBDIVISION PHASE 2**

LOCATED IN THE SOUTHWEST QUARTER  
OF SECTION 20  
TOWNSHIP 5 NORTH RANGE 1 WEST  
SALT LAKE BASE & MERIDIAN  
SOUTH WEBER CITY, DAVIS COUNTY, UTAH

**DAVIS COUNTY RECORDER**

ENTRY NO. \_\_\_\_\_ FEE \_\_\_\_\_

PAID \_\_\_\_\_ FILED FOR RECORD AND

RECORDED THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 20\_\_\_\_.

AT \_\_\_\_\_ IN BOOK \_\_\_\_\_ OF OFFICIAL RECORDS

PAGE \_\_\_\_\_

PROJECT NUMBER: 7902A

MANAGER: C PRESTON

DRAWN BY: J MOSS

CHECKED BY: T WILLIAMS

DATE: 10/26/23

DAVIS COUNTY RECORDER

BY \_\_\_\_\_ DEPUTY RECORDER

**SURVEYOR'S CERTIFICATE**

I, **TRENT R. WILLIAMS**, do hereby certify that I am a Licensed Professional Land Surveyor in the State of Utah and that I hold License No. **8034679** in accordance with Title 58, Chapter 22 of the Professional Engineers and Land Surveyors Act. I further certify that by authority of The Owners, I have completed a survey of the property described on this subdivision plat in accordance with Section 17-23-17 and have verified all measurements and that the monuments shown on this plat are located as indicated and are sufficient to accurately establish the boundaries of the herein described tract of real property and that it has been drawn correctly and is true and correct representation of the herein described lands included in said subdivision based on data compiled from The County Recorder's office. I further certify that all lots meet frontage width and area requirements of applicable zoning ordinances.

**BOUNDARY DESCRIPTION**

A parcel of land, situate in the Southwest Quarter of Section 20, Township 5 North, Range 1 West, Salt Lake Base and Meridian, said parcel also located in South Weber City, Davis County, Utah, more particularly described as follows:

Beginning at a point on the northerly right-of-way line of Harper Way (6350 South Street) as depicted on the Riverwood Subdivision Phase 1 Plat, said point being South 89°28'27" East 1766.22 feet along the Section Line (NAD83 Bearing being South 89°07'36" East between the Southwest Corner and the South Quarter Corner of said Section 20 per the Davis County Township Reference Plat) and North 00°31'33" East 1940.14 feet from the Southwest Corner of said Section 20 and running thence along the northerly perimeter of Riverwood Subdivision Phase 1 the following ten (10) courses and distances:

- North 74°49'47" West 537.48 feet;
- South 15°10'13" West 70.00 feet;
- South 37°03'24" East 15.81 feet;
- South 00°43'00" West 95.95 feet;
- North 89°17'00" West 263.37 feet;
- North 00°43'00" East 93.39 feet;
- North 89°17'00" West 70.00 feet;
- South 00°43'00" West 15.01 feet;
- South 45°43'54" West 14.14 feet;
- North 89°15'12" West 107.23 feet;

thence North 00°37'23" West 415.08 feet to the Davis/Weber County Line, also being the southerly right-of-way line of Interstate 84;

thence along the Davis/Weber County line the following five (5) courses and distances:

- easterly 132.81 feet along the arc of a 5059.08-foot radius non-tangent curve to the left (center bears North 21°17'26" East and the long chord bears South 69°27'41" East 132.81 feet with a central angle of 01°30'15");
- South 79°47'04" East 195.68 feet;
- easterly 133.08 feet along the arc of a 5538.05-foot radius non-tangent curve to the left (center bears North 18°02'56" East and the long chord bears South 72°36'15" East 133.08 feet with a central angle of 01°18'22");
- easterly 601.53 feet along the arc of a 10620.51-foot radius curve to the left (center bears North 16°44'34" East and the long chord bears South 74°52'47" East 601.45 feet with a central angle of 03°14'43");
- easterly 130.68 feet along the arc of a 22802.07-foot radius non-tangent curve to the left (center bears North 13°49'34" East and the long chord bears South 76°20'17" East 130.68 feet with a central angle of 00°19'42");

thence South 00°02'24" West 51.43 feet to the northerly line of Public Works Subdivision;

thence North 89°17'00" West 169.34 feet along said northerly line;

thence South 00°27'09" East 95.51 feet to the Point of Beginning.

Contains: 284664 square feet or 6.535 acres.

**OWNER'S DEDICATION**

We the undersigned owners of the herein described tract of land, do hereby set apart and subdivide the same into lots and streets as shown on the plat and name said tract:

**RIVERWOOD SUBDIVISION PHASE 2**

and do hereby dedicate, grant and convey to South Weber City, Davis County, Utah, all parts of said tract of land designated as streets, the same to be used as public thoroughfares forever, and also dedicate to South Weber City those certain strips as easements for general utility and drainage purposes as shown hereon, the same to be used for the installation, maintenance and operation of general utility service lines and drainage as may be authorized by South Weber City, with no buildings or structures being erected within such easements; and also dedicate Parcel A to South Weber City for drainage, underground utility, and public trail access purposes.

Warrant and defend and save the City harmless against any easements or other encumbrances on the dedicated streets which will interfere with the City's use, maintenance and operation of the streets.

In witness whereof I / we have hereunto set our hand (s) this \_\_\_\_\_ day of \_\_\_\_\_ A.D., 20\_\_\_\_.

By: \_\_\_\_\_ By: \_\_\_\_\_

**LIMITED LIABILITY COMPANY ACKNOWLEDGMENT**

STATE OF UTAH  
County of Davis

J.S.S.

On the \_\_\_\_\_ day of \_\_\_\_\_ A.D., 20\_\_\_\_,

personally appeared before me, the undersigned Notary Public, in and for said County of \_\_\_\_\_ in the State of Utah, who after being duly sworn, acknowledged to me that He/She is the \_\_\_\_\_ a Limited Liability Company and that He/She signed the Owner's Dedication freely and voluntarily for and in behalf of said Limited Liability Company for the purposes therein mentioned and acknowledged to me that said Corporation executed the same.

MY COMMISSION EXPIRES: \_\_\_\_\_

RESIDING IN \_\_\_\_\_ COUNTY.

**RIVERWOOD SUBDIVISION PHASE 2**

LOCATED IN THE SOUTHWEST QUARTER  
OF SECTION 20  
TOWNSHIP 5 NORTH RANGE 1 WEST  
SALT LAKE BASE & MERIDIAN  
SOUTH WEBER CITY, DAVIS COUNTY, UTAH

**DAVIS COUNTY RECORDER**

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RECORDED THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 20\_\_\_\_.

AT \_\_\_\_\_ IN BOOK \_\_\_\_\_ OF OFFICIAL RECORDS

PAGE \_\_\_\_\_

PROJECT NUMBER: 7902A

MANAGER: C PRESTON

DRAWN BY: J MOSS

CHECKED BY: T WILLIAMS

DATE: 10/26/23

DAVIS COUNTY RECORDER

BY \_\_\_\_\_ DEPUTY RECORDER

**SHEET 1 OF 1**

PROJECT NUMBER: 7902A

MANAGER: C PRESTON

DRAWN BY: J MOSS

CHECKED BY: T WILLIAMS

DATE: 10/26/23

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- South 37°03'24" East 15.81 feet;
- South 00°43'00" West 95.95 feet;
- North 89°17'00" West 263.37 feet;
- North 00°43'00" East 93.39 feet;
- North 89°17'00" West 70.00 feet;
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- South 45°43'54" West 14.14 feet;
- North 89°15'12" West 107.23 feet;

thence North 00°37'23" West 415.08 feet to the Davis/Weber County Line, also being the southerly right-of-way line of Interstate 84;

thence along the Davis/Weber County line the following five (5) courses and distances:

- easterly 132.81 feet along the arc of a 5059.08-foot radius non-tangent curve to the left (center bears North 21°17'26" East and the long chord bears South 69°27'41" East 132.81 feet with a central angle of 01°30'15");
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- easterly 133.08 feet along the arc of a 5538.05-foot radius non-tangent curve to the left (center bears North 18°02'56" East and the long chord bears South 72°36'15" East 133.08 feet with a central angle of 01°18'22");
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**RIVERWOOD SUBDIVISION PHASE 2**

and do hereby dedicate, grant and convey to South Weber City, Davis County, Utah, all parts of said tract of land designated as streets, the same to be used as public thoroughfares forever, and also dedicate to South Weber City those certain strips as easements for general utility and drainage purposes as shown hereon, the same to be used for the installation, maintenance and operation of general utility service lines and drainage as may be authorized by South Weber City, with no buildings or structures being erected within such easements; and also dedicate Parcel A to South Weber City for drainage, underground utility, and public trail access purposes.

Warrant and defend and save the City harmless against any easements or other encumbrances on the dedicated streets which will interfere with the City's use, maintenance and operation of the streets.

In witness whereof I / we have hereunto set our hand (s) this \_\_\_\_\_ day of \_\_\_\_\_ A.D., 20\_\_\_\_.

By: \_\_\_\_\_ By: \_\_\_\_\_

**LIMITED LIABILITY COMPANY ACKNOWLEDGMENT**

STATE OF UTAH  
County of Davis

J.S.S.

On the \_\_\_\_\_ day of \_\_\_\_\_ A.D., 20\_\_\_\_,

personally appeared before me, the undersigned Notary Public, in and for said County of \_\_\_\_\_ in the State of Utah, who after being duly sworn, acknowledged to me that He/She is the \_\_\_\_\_ a Limited Liability Company and that He/She signed the Owner's Dedication freely and voluntarily for and in behalf of said Limited Liability Company for the purposes therein mentioned and acknowledged to me that said Corporation executed the same.

MY COMMISSION EXPIRES: \_\_\_\_\_

RESIDING IN \_\_\_\_\_ COUNTY.

**RIVERWOOD SUBDIVISION PHASE 2**

LOCATED IN THE SOUTHWEST QUARTER  
OF SECTION 20  
TOWNSHIP 5 NORTH RANGE 1 WEST  
SALT LAKE BASE & MERIDIAN  
SOUTH WEBER CITY, DAVIS COUNTY, UTAH

**DAVIS COUNTY RECORDER**

ENTRY NO. \_\_\_\_\_ FEE \_\_\_\_\_

PAID \_\_\_\_\_ FILED FOR RECORD AND

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AT \_\_\_\_\_ IN BOOK \_\_\_\_\_ OF OFFICIAL RECORDS

PAGE \_\_\_\_\_

PROJECT NUMBER: 7902A

MANAGER: C PRESTON

DRAWN BY: J MOSS

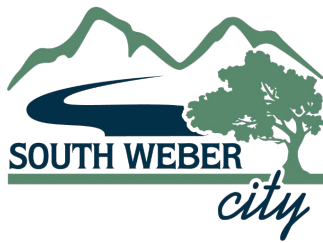
CHECKED BY: T WILLIAMS

DATE: 10/26/23

DAVIS COUNTY RECORDER

BY \_\_\_\_\_ DEPUTY RECORDER





# 8 Public Works Subdivision 1st Amendment PLANNING MEMORANDUM

1600 E. South Weber Drive  
South Weber, UT 84405

801.479.3177  
southwebercity.com

To: Planning Commission  
From: Trevor Cahoon, Community Services Director  
Re: Public Works Subdivision 1<sup>st</sup> Amendment

Project Information	
Project Name	Public Works Subdivision 1 <sup>st</sup> Amendment
Site Location	Approx. 104 E South Weber Drive
Tax ID Number	13-358-0002
Applicant	South Weber City
Owner	South Weber City
Proposed Actions	Subdivision Amendment
Current Zoning	C-R
General Plan Land Use Classification	C-R
Gross Site	12.15
Number of Units	N/A
Units Per Acre	N/A

## ACTION

Administrative Action: Consider approval of Preliminary/Final Plat Submittal.

## ITEMS FOR PLANNING COMMISSION REVIEW

- **Final Plat.** Because this development is under 10 lots, we have chosen to move forward with the subdivision as a Preliminary/Final submission. Final Plat Items to Consider:
  - *Legal Description:* This has been supplied
  - *Lot Sizes and Orientation:* Complies.
  - *Parcel Numbers or Lot Numbers of Surrounding Properties:* When recording the plat it is necessary to indicate the parcel identification numbers or the lot number for adjoining subdivisions. This plat has that necessary information.
  - *Right-of-Way (ROW) Dedication:* A portion of Harper Way is being dedicated as ROW with this project.
  - *Easements:* The General Utility Easement required for each property has been indicated on the plat. Access easements have been supplied for additional egress on to Kingston Drive as required by UDOT. There are minor differences in the recorded easement for the powerlines and the actual placement. We are working with Rocky Mountain Power to sign the plat to approve the actual easement dedication.
  - *Signature Boxes:* All signature boxes are supplied.
- **Improvement Plans:** Plans have been designed by the City Engineer.

**APPROVALS PREVIOUSLY GRANTED BY PLANNING COMMISSION**

N/A

**RECOMMENDATIONS PREVIOUSLY GRANTED BY PLANNING COMMISSION**

N/A

**ITEMS NOT UNDER CONSIDERATION BY THE PLANNING COMMISSION**

- **Site Plan:** A site plan approval will be needed prior to construction but is not necessary for the subdivision.
- **Conditional Use:** A conditional use permit is required for the development over an acre. This will be processed with the Site Plan.

**STAFF REVIEW SUMMARY**

City Staff has done a review of the development and have reviewed the following items:

**Planning Review:**

PL-1: Zoning

The current zoning for this project is C-R and the use is allowed within the zone.

PL-2: Project Size

The Project totals 12.15 acres.

PL-3: Lot Area

There is no minimum lot area required.

PL-4: Lot Width

There is no minimum lot width required.

PL-5: Setbacks

Lot configurations will allow compliance with setback requirements.

PL-6: Access

A traffic study was not required for this project and all access points comply with the requirements of the code. UDOT has required an additional egress through Kingston Dr. because of the size of the project.

PL-7: Right-of-way

A portion of Harper Way is being dedicated as ROW with this project.

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Premier Sportsplex LLC  
120 West 400 South #104  
Smithfield, UT 84335

October 5, 2023

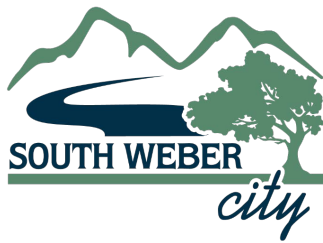
South Weber City Mayor and Council:

As the new owners of Lot 1 of the Public Works Subdivision (Parcel #133-58-0001), it has come to our attention that the newly installed fence between our lot and the City-owned Lot 2 encroaches upon our property to the east. We acknowledge that the City is working to amend the Public Works Subdivision Plat in accordance with City and State Code requirements.

Upon approval of this amendment, we agree to sign the Plat to resolve the property line issue and accept the amended property line to be the current location of the new fence.

  
\_\_\_\_\_  
Ryan Rogers  
Owner/Manager, Premier Sportsplex LLC

  
\_\_\_\_\_  
Kirt Sadler  
Owner/Manager, Premier Sportsplex LLC



## PLANNING MEMORANDUM

9 Title 10 Ch. 19: Accessory Dwelling Units

1600 E. South Weber Drive  
South Weber, UT 84405

801.479.3177  
southwebercity.com

To: Planning Commission  
From: Trevor Cahoon, Community Services Director  
Re: Title 10 Chapter 19: Accessory Dwelling Units Amendments

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### **ACTION**

Administrative Action: Public Hearing and Recommendation on Conditional Use Permits

### **PROPOSED AMENDMENTS:**

#### **1. 10-1-10: Definitions**

- Refinement of definitions for Accessory Dwelling Units (ADUs) to clearly categorize them as either internal or external units.

#### **2. 10-1-10A: Land Use Matrix**

- Potentially expand zones where External ADUs (EADUs) are permitted.

#### **3. 10-5A(B, D, & E)-5: Location of Structures**

- Setback requirements for EADUs clarified.

#### **4. 10-8-5: Number of Parking Spaces**

- Parking requirements for EADUs set at 2 per dwelling unit.

#### **5. Title 10 - Chapter 19: Accessory Dwelling Units**

- Detailed regulations for both Internal ADUs (IADUs) & EADUs, including purpose, permitted use limitations, required licenses & permits, standards of approval, and penalties for violations.

### **ORDINANCE REVIEW**

The Code Committee, having thoroughly examined the current IADU provisions, has identified the need to encompass regulations for EADUs. This evolution aligns with the City's recently updated Moderate Income Housing Plan, which emphasized the inception of an EADU ordinance. The plan's intention is clear: facilitate residents in constructing additional dwelling units. As community members, it's crucial to be aware of these proposed changes and actively participate in the ordinance review process, ensuring the city's housing strategies cater to the broader needs of its residents.

Regarding External Accessory Dwelling Units, these structures are detached from the primary residence but remain within the boundaries of the same parcel. The permissible size for these units fluctuates between 400 to 1,250 square feet. For properties to qualify for EADU development, they should span a minimum of .25 acres. It is imperative that the design, construction materials, and overall aesthetics of

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EADUs echo that of the primary dwelling. The city ordinance precludes the categorization of recreational vehicles as EADUs, and compliance with utility and height directives is necessary.

**10-1-10: DEFINITIONS:**

DWELLING, ACCESSORY UNIT:	A residential dwelling unit that is added to, created within, or detached from, a primary residential structure, located on the same lot as the primary residential structure, and that provides complete, independent living facilities for one or more persons, including permanent provisions for living, sleeping, eating, cooking, and sanitation. An ADU may be either an internal or external unit.
DWELLING, ACCESSORY UNIT INTERNAL (IADU)	An ADU that is created within or added to the primary residential structure.
DWELLING, ACCESSORY UNIT EXTERNAL (EADU)	An ADU that is detached from the primary residential structure.

**10-1-10A: LAND USE MATRIX:**

	C	CH	CR	LI	TI	NR	A	RL	RLM	R M	RP	R5
Dwelling, Accessory Unit (External)							C	C	C	C		

**10-5A(B, D, & E)-5: LOCATION OF STRUCTURES:**

All buildings and structures shall be located as provided in chapter 11 of this title and as follows:

Structures	Front Setback	Side Setback	Rear Setback
External Accessory Dwelling Units	25 Feet from all front lot lines.	10 feet minimum on each side, except 20 feet on side fronting on a street.	10 Feet

**10-8-5: NUMBER OF PARKING SPACES:**

USE	NUMBER OF PARKING SPACES REQUIRED
External Accessory Dwelling Unit	2 per dwelling unit (this is in addition to the number of parking spaces required for the primary dwelling unit)

**CHAPTER 19****ACCESSORY DWELLING UNITS**

**10-19-1: PURPOSE:**

The purpose of this chapters is to regulate the construction and use of internal and external accessory dwelling units (ADUs); to ensure such uses comply with all applicable building codes; to promote affordable housing options in South Weber City; and to protect the character of residential zones.

**10-19-3: PERMITTED USE - LIMITATIONS:**

- A. Accessory Dwelling Units, both Internal and External Accessory Dwelling Units, (IADU & EADU) shall be permitted in those zones identified in Title 10, Chapter 1, Section 10-A of this code, also known as the South Weber City land use matrix.
- B. Regardless of the location of a proposed ADU, no ADU may be located on parcels which:
  - 1. Are smaller than six thousand (6,000) square feet for IADUs;
  - 2. Are smaller than .25 acres for EADUs;
  - 3. Do not contain an owner-occupied single-family residence;
  - 4. Are serviced by a failing septic tank; or
  - 5. Have a recreational vehicle as the primary dwelling unit.
- C. ADUs shall not be rented for less than a thirty-day period.
- D. No parcel may contain more than one ADU.
- E. Ownership of an ADU shall not be subdivided or transferred apart from its principal dwelling unit.
- F. External accessory dwelling units may be permitted subject to additional requirements as outlined in this chapter.

**10-19-4: BUSINESS LICENSE REQUIRED:**

Prior to leased occupancy of an ADU, the owner of record of any parcel shall first apply for and obtain a business license from South Weber City.

**10-19-5: BUILDING PERMIT REQUIRED:**

Prior to beginning construction on a new ADU, the owner of record, or their designee, shall apply for and receive a building permit from South Weber City.

**10-19-6: STANDARDS OF APPROVAL- GENERAL:**

ADUs located in South Weber City shall adhere to the following standards:

A. Single-family homes with an ADU shall be the primary or principal place of residence of the property owner, as defined in Utah Code Annotated, Section 20-a-105. The property owner shall provide a signed ownership affidavit attesting to this fact.

Commented [TC1]: Ownership Affidavit

B. Either the ADU or the primary dwelling unit shall be owner-occupied and shall be verified prior to approval.

C. Utility Connections:

1. EADU: The unit shall have separate utility meters from the primary dwelling unit.

2. IADU: The primary dwelling unit and IADU shall be served by a single utility meter.

D. A separate mailing address shall be created for both IADUs and EADUs.

E. No ADU shall be rented to more than one family unit, as defined in South Weber City Code.

**Commented [TC2]:** Talked with DRC and looking at PDG and we have required them in the past. It would be cleaner for us just in case.

#### 10-19-7: STANDARDS OF APPROVAL – IADU CONSTRUCTION:

Construction of all IADUs shall adhere to the State Construction Code and Title 9 of South Weber City Code. In addition, the following construction guidelines shall apply:

A. In order to qualify as an IADU, a minimum of 15' common wall or floor space with the primary dwelling unit is required.

B. Each IADU shall have cooking, bathing, living, and sleeping areas that are separate from and in addition to those in the primary dwelling unit.

C. One off-street parking space per IADU shall be required, in addition to any off-street parking provided for the primary dwelling in compliance with Chapter 8 of this title.

D. In the event a garage or carport is converted to an IADU, and such conversion reduces the number of available off-street parking spaces below the minimum amount required by [10-8-5](#), then the eliminated spaces shall be on a space-per-space basis up to the minimum amount required.

E. All IADUs shall have egress windows in any such room as required by the State Construction Code and Title 9 of South Weber City Code.

F. An IADU may be constructed either as an addition to an existing home, a remodel of a garage, carport, or basement, or as part of new construction.

1. Regardless of the manner of construction, all setbacks, height limits and other similar regulations shall be adhered to.

2. Each unit's entrance shall be distinct from the other and shall be on separate planes or stories of the primary dwelling unit.

G. If an IADU is constructed as an addition to an existing home, to the greatest extent possible, shall be similar quality construction materials and design as the primary dwelling unit.

#### 10-19-8: STANDARDS OF APPROVAL – EADU CONSTRUCTION:

Construction of all EADUs shall adhere to the State Construction Code and Title 9 of South Weber City Code. In addition, the following construction guidelines shall apply:

A. Qualifications: To qualify as an EADU, the building must be separate from the primary dwelling.

1. An EADU may be an existing detached accessory building or new construction.

2. Construction of an EADU is allowed on lots meeting the requirements of this Chapter that are located in approved zones (Matrix).

- B. Restrictions: Recreational vehicles shall not be considered an EADU.
- C. Site Location Restriction: EADU shall be situated in a location other than the front of the main building on the property.
- D. Setbacks: All setbacks for EADUs shall comply with the underlying zoning requirements and the requirements of this Chapter. If the setback requirements conflict, then the EADU shall comply with the greater setback requirement.
- E. Size and Footprint: EADUs shall have a maximum livable floor area of 1250 square feet and a minimum livable floor area of 400 square feet.
- F. Lot Coverage: Building coverage, including all structures, shall not exceed 60% of the total lot area.
- G. Height Restriction: The height of an EADU shall not exceed the height measurement of the primary building located on the same parcel. In instances where the elevation heights of the buildings differ, the height of each building will be calculated in accordance with the provisions set forth in this Title.
- H. Construction Standards: An EADU, to the greatest extent possible, shall be similar quality construction materials and design as the primary dwelling unit.
- I. Living Spaces: Each EADU shall have cooking, bathing, living, and sleeping areas that are separate from and in addition to those in the primary dwelling unit.
- J. Parking: Shall meet the requirements of Chapter 8 of this title.
  - 1. In the event a garage or out building is converted to an EADU, and such conversion reduces the number of available off-street parking spaces below the minimum amount required by section 10-8-5, then the eliminated spaces shall be replaced on a space-per-space basis up to the minimum amount required.

**Commented [TC3]:** We will have to update chapter 8

#### 10-19-9: VIOLATION:

Failure to adhere to any of the provisions contained in this Chapter shall constitute a violation of city code and may result in one or more of the following:

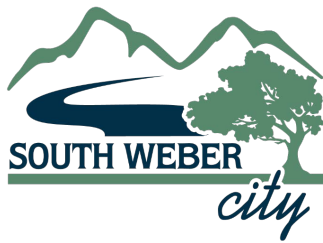
- A. Following the procedures outlined in State law, a lien may be filed with the Davis County recorder until such time as the violation is remedied.
- B. Prosecution of the property owner.
- C. Daily fines up to the maximum amount allowed under state law.
- D. Revocation of a business license until such time as the violations are remedied.

**Commented [JB4]:** The City can establish the fine amount in its fee schedule.



E. Any and all other fines and penalties available under City code or State law. (Ord. 2021-12, 9-14-2021)

DRAFT



To: Planning Commission  
From: Trevor Cahoon, Community Services Director  
Re: Title 10 Chapter 7: Conditional Use Permit Amendments

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### **ACTION**

Administrative Action: Public Hearing and Recommendation on Conditional Use Permits

### **ORDINANCE REVIEW**

The Code Committee has reviewed and considered the proposed Conditional Use Code, which aims to provide a comprehensive framework for the administration and regulation of conditional use permits in South Weber City. The new code has been drafted to align with the goals and objectives of our general plan and zoning regulations while addressing the unique needs and circumstances of our community.

The adoption of the new Conditional Use Code will ensure a transparent and consistent process for evaluating and granting conditional use permits, promoting responsible development, and preserving the quality of life for our residents. The code includes clear guidelines, standards, and criteria that applicants must meet, fostering predictability and fairness in decision-making.

The proposed Conditional Use Code has undergone extensive review and input from various stakeholders, including planning staff, legal counsel, and community members. The code has been designed to strike a balance between supporting appropriate land uses and protecting the interests and concerns of the community.

A major portion of discussion would be on whether we want to include the Articles in the new ordinance. The purpose of the articles are to help dictate which conditions to directly apply to specific uses. With the updated code being more effective at providing direct tools for the creation of conditions it may be appropriate to eliminate some or all of the identified articles.

It is staff's recommendation that the articles which dictate twin homes and two-family dwellings would be best served to be included in the individual zones. This way we can dictate in what zones those uses are found and how they can be applied to each zone. Planned Unit Developments has always been a tricky section to implement, upon review staff would recommend creating an overlay zone that a landowner would need to apply for specifically to get the density bonus rather than be provided as a conditional use to apply for.

We would like to remove these provisions from the Conditional Use and then bring the other edits back to the planning commission in a later meeting to finalize these items.

### **BACKGROUND**

Conditional use permits play a crucial role in land use planning, allowing for the controlled and regulated use of specific properties within a municipality. These permits are granted for land uses that may not be

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appropriate in all zoning districts but can be approved under certain conditions to ensure compatibility with the surrounding area.

Conditional use permits provide flexibility for landowners and developers while maintaining the integrity of zoning regulations and safeguarding the public interest. They allow for unique or specialized land uses that may provide benefits to the community but require additional scrutiny to ensure they meet specific criteria and standards.

#### **LIMITATIONS ON CONDITIONAL USE IN UTAH**

In the state of Utah, conditional use permits are subject to certain limitations and guidelines. The Utah State Code establishes a framework for the granting and administration of conditional use permits. Key limitations and considerations in Utah include:

**Compatibility:** Conditional uses must be compatible with the surrounding area and adhere to the objectives of the applicable zoning district.

**Public Hearing:** Before granting a conditional use permit, a public hearing must be held to provide an opportunity for public input and address any concerns or objections from affected parties.

**Findings of Fact:** The Planning Commission must make specific findings of fact to demonstrate that the proposed conditional use meets the necessary criteria and will not be detrimental to the public health, safety, or welfare.

**Conditions and Restrictions:** Conditional use permits may be subject to conditions or restrictions imposed by the Planning Commission to ensure compliance with relevant regulations and minimize potential adverse impacts on the community.

**Revocation:** If the conditions set forth in the conditional use permit are not adhered to, or if the use becomes detrimental to the public interest, the Planning Commission has the authority to revoke the permit.

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**Conditional Use Ordinance (DRAFT)**

<b>10-7</b>	<b>Conditional Uses</b>
<b>10-7-1</b>	<b>Purpose</b>
<b>10-7-2</b>	<b>Authority</b>
<b>10-7-3</b>	<b>Initiation</b>
<b>10-7-4</b>	<b>Standards</b>
<b>10-7-5</b>	<b>Application Requirements</b>
<b>10-7-6</b>	<b>Conditional Use Application Requirements</b>
<b>10-7-7</b>	<b>Approval Standards for A Conditional Use Application</b>
<b>10-7-8</b>	<b>Reasonable Conditions for A Conditional Use Authorized</b>
<b>10-7-9</b>	<b>Required Findings for Approval or Denial of a Conditional Use Application</b>
<b>10-7-10</b>	<b>Effect of Approval of a Conditional Use Application</b>
<b>10-7-11</b>	<b>Appeals</b>
<b>10-7-12</b>	<b>Revocation or Modification of a Conditional Use Approval</b>
<b>10-7-13</b>	<b>Conditional Use Approval Amendment</b>
<b>10-7-14</b>	<b>Expiration of a Conditional Use Approval</b>

**10-7-1      Purpose**

The purpose of a conditional use application is to request land uses that, because of the unique characteristics or potential impact of the land use on the City, surrounding neighbors, or adjacent land uses, may not be compatible in some areas or may be compatible only if certain conditions are required that mitigate or eliminate the detrimental impacts. This chapter identifies and provides the procedures for the review, approval, and appeal of conditional use applications.

**10-7-2      Authority**

With the exception of applications to allow a short-term rental, the Planning Commission is hereby authorized to review and to render a decision for all conditional use applications in residential zones. The Planning Commission shall review and make a recommendation to the City Council on all conditional use applications in non-residential zones and for short-term rentals. The City Council is hereby authorized to make the final review and to render a decision for all conditional use applications in non-residential zones and for short-term rentals, in accordance with the requirements of this chapter.

**10-7-3      Initiation**

All requests to establish a conditional use, as identified in the Land Use Matrix, shall be made on an application form provided by the city. A property owner or an agent of the property owner may present a conditional use application for review and decision. A lessee of the property owner may present a conditional use application for review and decision only if such application is accompanied by a property owner affidavit of authorization.

**10-7-4      Standards & Conditions**

The Planning Commission or City Council shall approve an application for a conditional use if the proposed use complies with the requirements of the underlying zone(s) and reasonable conditions are proposed, or can be imposed, to mitigate the reasonably anticipated detrimental effects of the proposed use in accordance with the following standards and conditions:

A.      Compatibility with or impact to neighboring properties:

1.      Location within zone: The placement of conditional uses only in specific areas of a zoning district (i.e., along an arterial or collector street).
2.      Site Configuration: Size, configuration, and location of the site, and proposed site plan layout.
3.      Screening: The screening of yards or other areas as protection from certain land uses and activities.
4.      Height: Limitations or controls on the location, height, and materials of walls, fences, hedges, and screen plantings to ensure harmony with adjacent development, or to conceal storage areas, utility installations, or other unsightly development.
5.      Setbacks: The relocation of proposed or existing structures as necessary to provide for street widening or street placement within the area under application, as provided in the General Plan, adequate sight distances for general safety, groundwater control, or similar issues.
6.      Density/Intensity/Livability: Modification to allowed population density and intensity of land use and activities where land capability and/or vicinity relationships make it appropriate to do so to protect health, safety, and welfare; and

The provision of useable open space, public features, and recreational amenities to serve the uses and activities on the site.

B.      Safety of persons and property:

1.      Flooding: Building elevation and grading plans which will prevent or minimize flood water damage, where property may be subject to flooding.
2.      Attractive Nuisances: The relocation, covering, or fencing of irrigation ditches, drainage channels, and other potential attractive nuisances existing on or adjacent to the property.

3. Setbacks: Increased setback distances from lot lines where it is determined to be necessary to ensure public safety and to ensure compatibility with the intended characteristics of the zoning district, or where the lot abuts an arterial or collector street.
4. Fault Lines: Appropriate design, construction, and location of structures, buildings, and facilities in relation to an earthquake fault which may exist on the property, and limitations and/or restrictions to use and/or location of use due to special site conditions, including but not limited to, geologically hazardous areas, flood plains, fault zones, and landslide areas other than may be required by the sensitive lands overlay development regulations.
5. Signs and similar structures: Limitations and control of the number, location, color, size, height, lighting, and landscaping of signs and structures in relation to the creation of traffic hazards.
6. Loading Zones: Plans for the location, arrangement, and dimensions of truck loading and unloading facilities.
7. Street Features: Construction of curbs, gutters, drainage culverts, sidewalks, streets, fire hydrants, and street lighting.

C. Health and Sanitation:

1. Water: A guarantee of sufficient water to serve the intended land use and a water-delivery system to meet the needs of the proposed use and development.
2. Wastewater: A wastewater-disposal system and a solid waste-disposal system to meet the needs of the proposed use and development.
3. Utilities: Construction of water mains, sewer mains, and drainage facilities serving the proposed use, in sizes necessary to protect existing utility users in the zoning district and to provide for an orderly development of land.
4. Trash Collection: Provision of appropriate storage and collection areas for trash and refuse generated by the use and development.
5. Snow Removal: Sufficient space on the property to manage and store snow during the winter season

D. Environment:

1. Sensitive Areas: Limitations and/or restrictions on the use and/or location of uses in sensitive areas due to soils capabilities, wildlife, and plant life.



2. Pollution: Processes/designs for the control, elimination, or prevention of land, water, or air pollution.
  3. Erosion: The prevention of soil erosion.
  4. Odors: The control of objectionable odors.
  5. Noise: The control of objectionable noise; and  
Fencing, screening and landscape treatments and other features designed to protect adjoining property owners from noise.
  6. Dust: The prevention of dust or debris.
  7. Light: No light pollution.
  8. Nuisance: Measures directed at minimizing or eliminating potential nuisance factors including, but not limited to noise, vibrations, smoke, dust, dirt, odors, gases, noxious matter, heat, glare, electromagnetic disturbances, and radiation.
  9. Natural Conditions: Measures designed to protect the natural features of the site, including wetlands and drainage ways, around water protection, wildlife habitat, historic and archeological site protection, and other natural site features.
- E. Traffic, Circulation, and Parking:
1. Traffic: The proposed use and development shall not generate enough traffic to be detrimental to the immediate neighborhood, overload the carrying capacity for which local streets were designed, shall not reduce the performance of existing roads from their current level of service, and shall provide safe site ingress and egress to existing and proposed roads and streets.
  2. Circulation: Internal traffic circulation shall not adversely affect adjacent residential properties. The site shall provide sufficient circulation to manage loading and unloading, deliveries, and queuing of vehicles without such activities leaving the site and impacting adjacent roads.
  3. Parking: Parking facilities shall not adversely affect neighboring properties, shall be effectively screened from adjacent residential properties. The relationship of structures and parking shall be complimentary to the aesthetics of the general area. The location and amount of off-street parking and loading areas shall be sufficient to serve the proposed use and development. There shall be sufficient parking to serve the proposed use and development and to store snow removed from the parking areas during winter months.

**10-7-5      Application Requirements**

Applications for a conditional use are required to comply with all requirements of this chapter and this ordinance, and including the requirements for a building permit, as applicable, and all other applicable requirements. All conditional use applications shall be determined complete by the City Manager or designee before they may be considered by the Planning Commission or City Council.

**10-7-6      Conditional Use Application Requirements**

All conditional use applications shall be submitted to the City Manager or designee. Applications shall be provided in electronic PDF format and, as directed by the City Manager or designee, shall include any of the following information:

- A. A completed application form, as provided by the city.
- B. Title report and survey of the subject property.
- C. Proposed plans, including a site plan, elevation drawings and building renderings which display the following information:
  - 1. Property boundaries and the location of all existing and proposed buildings on the subject property and buildings located within three-hundred (300) feet of the subject property.
  - 2. Building setbacks, heights and lot coverage dimensions to demonstrate compliance with dimensional standards of the site's zoning district.
  - 3. The location of all fences and walls, identifying proposed height, materials, and colors shall be shown.
  - 4. Landscape plan(s) shall be provided, prepared by a registered landscape architect, identifying all proposed landscape, screening and buffering features, plant materials and sizes.
  - 5. Proposed vehicular and bicycle parking, loading, and traffic circulation plan. This plan must consider snow removal and storage during winter months.
  - 6. The location of all existing and proposed roads and streets serving the property, and including any permits as required by Davis County or the Utah Department of Transportation.
  - 7. All public and private rights-of-way and easements located on, or adjacent to the property, proposed to be continued, created, relocated, or abandoned shall be shown.

8. The location and dimension of all existing natural property features including existing vegetation, wetlands, streams, drainage ways, flood plains, waterbodies, and wildlife habitat areas.
  9. Existing topography of the property, including the existing grade, and identifying the proposed finished grade of the site shown.
  10. The location and dimension of all trails, sidewalks and biking facilities.
  11. All existing and proposed utilities, including culinary water, secondary water, sanitary sewer, storm drainage, power, gas, and telephone lines and facilities, streets and roads with design plans for any new water, sewer and storm drainage lines and facilities, as applicable, streets and roads, meeting the design and construction requirements of the city, or other agencies, as applicable, and prepared by a licensed engineer, at a scale acceptable to the City. Access to all utilities and points of utilities connections shall be shown.
  12. Building plans and drawings shall be provided, as required, to meet the adopted building code. The exterior elevations of every side of all proposed buildings and structures shall be provided, clearly showing proposed building materials and colors proposed for all exterior building facades.
  13. Lighting plan showing identifying proposed site and building lighting, type, design, location, intensity, height, and direction of all site and building lighting. All lighting shall be dark-sky compliant, utilize a full cut-off design, and be directed downward and away from any adjacent residential uses.
  14. The location of all associated mechanical and ancillary equipment shall be provided, including any screening treatments proposed. The location and dimensions of all proposed solid waste collection areas and storage areas, including the proposed method of screening shall be identified.
  15. An erosion control plan with Information identifying proposed temporary and permanent erosion control measures.
  16. Information shall be provided identifying the phases of construction, a construction schedule, and a list of all permits necessary for the proposed use(s).
- D. A narrative, accompanied by necessary tables and other information, describing the proposed conditional use application, to assist city staff, Planning Commission, and City Council in reviewing the conditional use application identifying the following:
1. A calculation, identifying all pervious and impervious areas.
  2. A description of all proposed uses and buildings, including the total site area

and building square footage, by building.

3. Projected increase in traffic trips.
  4. Projected water and sewer demand.
  5. How the proposed use, and accompanying site and building plans comply with the general plan.
- E. Proposed materials board displaying all building, sign and fencing materials and colors.
- F. If required by staff, the Planning Commission, the City Council, or the City Engineer, a traffic impact analysis will be required. At a minimum, unless additional information is required, a traffic impact analysis shall be prepared by a licensed engineer and include the following information:
1. Projected traffic from the proposed development project,
  2. The area within the general vicinity of the proposed project as outlined by the City Engineer,
  3. Potential traffic to be generated by other undeveloped sites within the established study boundaries, and
  4. Recommendations of land use and/or appropriate traffic engineering modifications to mitigate traffic impacts and maintain an acceptable level of service.

**10-7-7 Approval Standards for A Conditional Use Application**

The City shall review the conditional use application and determine if the application, from the materials presented by the applicant complies with the following:

- A. The proposed use is consistent with the General Plan.
- B. The proposed use is an allowed conditional use within the zoning district.
- C. The proposed conditional use and the accompanying site plan complies with all requirements of the zoning district, as applicable, including minimum area, front, rear and side-yard setbacks, building and structure height, and all other requirements applicable in the zoning district.
- D. Complies with all site plan requirements.
- E. Complies with all applicable dedication requirements of the city and provides the

necessary infrastructure, as required.

- F. The proposed conditional use meets, and will be conducted in compliance with the requirements of this ordinance, all other applicable land use ordinances, and all applicable federal, state, or local requirements.
- G. The property on which the conditional use is proposed is of adequate size to permit the conduct of the proposed conditional use in a manner that will not be detrimental to adjoining and surrounding properties.

**10-7-8 Reasonable Conditions for a Conditional Use Authorized**

The City is authorized to impose such reasonable requirements and conditions with respect to location, construction, maintenance, operation, site planning, traffic control, hours of operation, and other items for the Conditional Use deemed necessary for the protection of adjacent properties and the public interest. Among other conditions deemed appropriate by the City, these conditions may include but shall not be limited to:

- A. Size, configuration, and location of the site, and proposed site plan layout.
- B. Proposed site ingress and egress to existing and proposed roads and streets.
- C. The provision of public facilities and amenities, including roads and streets, culinary water, sanitary sewer, storm drainage, public safety and fire protection, and other utilities.
- D. The location and amount of off-street parking and loading areas.
- E. Site circulation pattern for vehicular and pedestrian traffic.
- F. Building size and location, building design and exterior building features.
- G. The location and design of all site features, including proposed signage, lighting, and refuse collection.
- H. The provision of usable open space, public features, and recreational amenities.
- I. Fencing, screening and landscape treatments and other features designed to increase the attractiveness of the site and protect adjoining property owners from noise and visual impacts.
- J. Measures directed at minimizing or eliminating potential nuisance factors including, but not limited to noise, vibrations, smoke, dust, dirt, odors, gases, noxious matter, heat, glare, electromagnetic disturbances, and radiation.
- K. Measures designed to protect the natural features of the site, including wetlands and

drainage ways, around water protection, wildlife habitat, historic and archeological site protection, and other natural site features.

- L. The regulation of operating hours for activities affecting normal schedules and functions.
- M. Identifying a time for regular review and monitoring, as determined necessary, to ensure the Conditional Use continues to operate in compliance with all conditions and requirements of approval.
- N. Such other conditions determined reasonable and necessary by the Planning Commission or City Council to allow the operation of the proposed conditional use, at the proposed location in compliance with the requirements of this Ordinance.

**10-7-9      Required Findings for Approval or Denial of a Conditional Use Application**

- A. If the Planning Commission or City Council finds that the Conditional Use Application complies with all the requirements of this Ordinance, the adopted Building Codes, and all other applicable Land Use Ordinances, the Conditional Use Application shall be approved, with or without reasonable conditions necessary to comply with this Ordinance, the adopted Building Codes, and all other applicable Land Use Ordinances. Following the approval of a Conditional Use Application, with or without conditions, a Building Permit Application may be reviewed, and a Building Permit issued if such application is found to comply with the Building Code, as adopted.
- B. If the Planning Commission or City Council finds that the Conditional Use Application does not comply with all the requirements of this Ordinance, the adopted Building Codes, and all other applicable Land Use Ordinances, the Conditional Use Application shall be denied and no Approval, Permit, or License issued by the city, including a Building Permit.

**10-7-10      Effect of Approval of a Conditional Use Application**

Approval of a Conditional Use Application by the Planning Commission or City Council shall authorize the establishment of the approved use, subject to any use or site plan reasonable conditions. Approval of a Conditional Use Application shall not be deemed an Approval of any other Application, Permit, or License.

**10-7-11      Appeals**

Any person aggrieved by a decision of the Planning Commission or City Council regarding a Conditional Use Application may appeal the decision, as provided by Title 10, Chapter 4 of City Code.

**10-7-12      Revocation or Modification Of A Conditional Use Approval**

- A. A Conditional Use approved in accordance with the provisions of this Ordinance may be revoked by the same body that made the approval – the Planning Commission or City Council – if any of the conditions of approval are not met, or if the permit is used to violate any law or Ordinance.
- B. The City Manager or designee shall notify the approved Conditional Use holder by certified mail of any violation, or if a violation exists in any conditions of approval. If no attempt to correct the violation is made within ten (10) days after notification, the Conditional Use approval may be revoked by the Planning Commission or City Council, if the Planning Commission or City Council finds that one or more of the following circumstances exists:
  - 1. The Conditional Use approval was obtained in a fraudulent manner.
  - 2. The use for which the approval was granted has now ceased for at least six (6) consecutive calendar months.
  - 3. One (1) or more of the conditions of approval have not been met.
  - 4. Additionally, the Planning Commission or City Council, following a public hearing, may modify the conditions under which the use approval was originally approved if the Planning Commission or City Council finds that the use or related development constitutes or is creating a nuisance.

**10-7-13      Conditional Use Approval Amendment**

The procedure for amending any Conditional Use Application approval shall be the same procedure as required to approve the Conditional Use Application.

**10-7-14      Expiration of a Conditional Use Approval**

A Conditional Use Application approval shall expire and shall be invalid if a building, activity, construction, or occupancy, as authorized by the approval, is not commenced within one hundred eighty (180) days from the date of approval. If work has not commenced, or a use established within one-hundred eighty (180) days from date of approval, the approval shall be void and a new Conditional Use Application required. Upon receipt of a written request submitted at least thirty (30) days before the expiration of a conditional use permit approval and showing good cause for the failure to commence work, the City Manager may extend the expiration period by up to six (6) months.

**10-7-15      Decision Document**

Every decision document granting a conditional use permit shall include the following, as applicable:

- A. Heading. A heading containing:
  - 1. The name of the issuing authority;



2. The title of the document, clearly indicating that it is a decision document granting a conditional use permit; and
  3. The date of issuance.
- B. Project Details. A concise description of the project or activity for which the conditional use permit is being granted shall be provided. The description should encompass the following information:
1. Location of the project or property;
  2. Purpose of the proposed conditional use; and
  3. The scope and scale of the conditional use.
- C. Background and Purpose. An explanation of the background and purpose of the conditional use permit, addressing:
1. The legal or regulatory basis for granting the conditional use permit; and
  2. The criteria and considerations used to evaluate permit applications.
- D. Findings. The decision document shall summarize the findings of the evaluation process, demonstrating that the proposed use meets the necessary conditions for approval. The findings shall include:
1. Reference to specific criteria or standards outlined in municipal code; and
  2. Justification for the approval based on the compliance of the proposed use with the specified criteria.
- E. Conditions and Limitations: The conditions and limitations imposed on the conditional use permit. The conditions and limitations shall be:
1. Directly related to mitigating potential impacts or ensuring compliance with regulations; and
  2. Reasonable and enforceable.
- F. Duration and Renewal. The decision document shall specify:
1. The duration of the conditional use permit, including the start and end dates; and
  2. Any requirements or criteria for permit renewal, if applicable.
- G. Compliance and Monitoring. An outline of the following:
1. Requirements for compliance with the conditions specified in the permit;
  2. Monitoring or reporting obligations imposed on the permit holder; and
  3. Consequences of non-compliance.
- H. Signatures and Approvals. Spaces for the signatures of the issuing authority, relevant officials, or decision-making bodies involved in the permit approval process.
- I. Attachments. Relevant supporting documents, maps, plans, or reports shall be annexed to the decision document.

ARTICLE A. IN-HOME DAYCARE CENTERS AND PRESCHOOLS  
SECTION:

10-7A-1: Scope

10-7A-2: Business License Required

10-7A-3: Conditions Required

10-7A-4: Renewal Of Permit

10-7A-1: SCOPE:

In-home daycare centers and preschools may be approved as a conditional use in all Residential and Agricultural Zones in the City. (Ord. 02-7, 5-28-2002)

10-7A-2: BUSINESS LICENSE REQUIRED:

A conditional use permit is required in addition to and before a business license is issued, and the granting of said permit shall not relieve the permittee of any licensing requirement of the City, the State or any other public agency. (Ord. 02-7, 5-28-2002)

10-7A-3: CONDITIONS REQUIRED:

The following conditions shall be imposed upon and observed at all times by the recipient of a conditional use permit for an in-home daycare center or preschool:

- A. Employment Restricted To Family Members: Only family members related by blood, marriage or adoption to bona fide residents of the dwelling unit may be employed on the premises by the preschool or daycare. Only one part-time employee in addition to the bona fide residents may work in connection with the in-home daycare center or preschool at any time.
- B. Incidental And Secondary Use: Each in-home daycare center or preschool use shall be clearly incidental and secondary to the residential use of the property and shall not physically change the dwelling to the extent that it would alter the residential character of the dwelling or the residential atmosphere of the neighborhood in which it is located. An in-home preschool or daycare shall not unreasonably disturb the neighborhood by reason of color, design, material, construction, odors, lighting, sounds, noise or vibrations.
- C. Conducted Within Primary Structure: Each in-home daycare center or preschool shall be conducted principally within the primary structure on the premises.
- D. Signs: Class 2 signs shall be permitted and shall comply with all regulations of chapter 9 of this title.
- E. Traffic: Each in-home daycare center or preschool shall generate no greater vehicular traffic than is commonly associated with the neighborhood in which it is located. There shall be no heavy trucks, delivery or service vehicles. The use shall not occupy the garage area required for two (2) parking spaces.
- F. Parking: All vehicles of customers and residents shall be parked in authorized portions of the lot.
- G. Code Conformance: There shall be complete conformity with Fire, Building, Plumbing, Electrical and Health Codes and to all County ordinances.
- H. Special Recommended Conditions: Any special condition made of record in the conditional use permit to carry out the intent of this chapter shall be met.
- I. Annual Premises Inspection: An annual inspection of the premises by the Fire Department shall be required before the conditional use permit may be issued or renewed.
- J. Floor Plan And Site Plan: A floor plan and a site plan showing the areas within the home-

and yard to be used for the daycare center or preschool shall be provided. This may be a simple single line drawing.

~~—K. State Requirements: The business shall comply with all State of Utah requirements for daycares and preschools. (Ord. 19-13, 5-21-2019)~~

#### ~~10-7A-4: RENEWAL OF PERMIT:~~

~~Conditional use permits for in-home daycare centers and preschools shall be valid for one year unless a lesser time is specified, and shall be renewable at the time the business license is renewed. Conditional use permits may be renewed by designated City staff without additional review unless otherwise specified by the approving staff on the permit, provided there have been no reported violations, complaints or detrimental matters which might require reconsideration of the permit. If the permit is not renewed, then the applicant desiring a permit shall follow the same procedure required for an initial application. (Ord. 19-13, 5-21-2019)~~

### ~~ARTICLE B. SERVICE ACCESSORY USES~~

#### ~~SECTION:~~

~~10-7B-1: Scope~~

~~10-7B-2: Business License Required~~

~~10-7B-3: Conditions Required~~

#### ~~10-7B-1: SCOPE:~~

~~Under controlled conditions, certain occupational and business uses may be allowed in the A and R-L zones which would not be allowed as home occupations. (Ord. 2002-4, 3-26-2002)~~

#### ~~10-7B-2: BUSINESS LICENSE REQUIRED:~~

~~A service accessory conditional use permit is required in addition to and before a business license is issued and the granting of said permit shall not relieve the permittee of any licensing requirement of the city, the state or any other public agency. (Ord. 96-1, 9-10-1996, eff. 9-12-1996)~~

#### ~~10-7B-3: CONDITIONS REQUIRED:~~

~~Neither the planning commission or the city council shall authorize a conditional use permit unless evidence is presented to establish:~~

~~—A. Incidental Use: That the proposed use of the land is clearly incidental to the primary function of the uses permitted within the zone and all zone requirements are met.~~

~~—B. Residence On Premises: That the owner, proprietor or chief executive officer of the business or corporation will be living on the same premises as the service accessory use.~~

~~—C. Nonenclosed Areas: In the case of nonenclosed areas:~~

~~—1. Storage; Screening: The storage, repair or welding of any equipment (motorized or nonmotorized) shall be confined in an area not to exceed one-half (1/2) acre. A six foot (6') high solid screen fence shall be built around the perimeter of the storage area. In lieu of a solid screen fence, landscaping that would grow at least to the height of a six foot (6') fence could be substituted if such landscaping is permanently sprinkled and maintained.~~

~~—2. Setback: A fifty foot (50') setback of the fence storage area from any property line must be maintained. (Ord. 96-1, 9-10-1996, eff. 9-12-1996)~~

~~—D. Enclosed Building: In the case of an enclosed accessory building, required setbacks shall~~



conform to the zone regulations for accessory buildings. However, sufficient distance must be maintained along property lines so that landscaping can be planted along all exterior walls of the structure. Such landscaping shall be installed and permanently irrigated as a condition for a service accessory use permit in all R-L zones. All structures shall be built of permanent materials and up to code. Exterior finishes must be of a neutral color. (Ord. 2002-4, 3-26-2002)

—E. Parking: Storage areas shall not prohibit adequate parking for the residence.

—F. Lot Area: All lots on which a service accessory use is located must be one acre or larger.

—G. Access: Access to heavy equipment storage areas shall be within one hundred feet (100') of a collector road.

—H. Lighting: Storage areas shall not be lit to a greater intensity than that normally used to illuminate the exterior of houses. (Ord. 96-1, 9-10-1996, eff. 9-12-1996)

#### ARTICLE C. TWIN HOMES

##### SECTION:

10-7C-1: Scope

10-7C-2: Conditions Required

10-7C-3: Building Standards And Special Conditions

##### 10-7C-1: SCOPE:

Twin homes are allowed as an alternative to single family detached dwellings as a conditional use in the R-L zone. (Ord. 2002-4, 3-26-2002)

##### 10-7C-2: CONDITIONS REQUIRED:

The planning commission or city council shall not approve a twin home unless the following conditions are met: (Ord. 96-1, 9-10-1996, eff. 9-12-1996)

—A. Zone: The dwelling is located in an R-L zone. (Ord. 2002-4, 3-26-2002)

—B. Lot Area: Each dwelling shall have a minimum lot area attributable to it of at least one-half (1/2) of the minimum lot area required in the zone for a single family dwelling.

—C. Side Yards: Side yards shall be at least ten feet (10').

—D. Site Plan: The application shall be accompanied by a site plan showing buildings, landscaping, parking and any other information required by the planning commission or the city council. (Ord. 96-1, 9-10-1996, eff. 9-12-1996)

##### 10-7C-3: BUILDING STANDARDS AND SPECIAL CONDITIONS:

Dwellings shall meet all of the building codes of the city and must have separate utility lines, meters and shut off valves for each dwelling; also, a separate sewer line and water line. (Ord. 96-1, 9-10-1996, eff. 9-12-1996)

Commented [TC1]: Add to Applicable Zoning Text

#### ARTICLE D. PLANNED DWELLING GROUPS

##### SECTION:

10-7D-1: Scope

10-7D-2: Lot Area

10-7D-3: Yard Requirements

10-7D-4: Entrance

##### 10-7D-1: SCOPE:

~~A planned dwelling group may be approved, provided the project conforms to all of the following conditions and requirements. (Ord. 96-7, 12-10-1996, eff. 1-10-1997)~~

~~10-7D-2: LOT AREA:~~

~~The area of the lot on which the planned dwelling group may be erected shall be at least equal to the aggregate of the lot areas otherwise required in the zoning district in which it is located for the dwelling type. (Ord. 96-7, 12-10-1996, eff. 1-10-1997)~~

~~10-7D-3: YARD REQUIREMENTS:~~

~~No building in a planned dwelling group shall be closer to any lot line than the front, side or rear yard requirements of the district in which it is located. Buildings within a planned dwelling group shall be arranged so that the distances between buildings is the same as the sum of the yards that would be required if they were on separate lots with the front yard being toward the front of the building, the rear yard being toward the rear of the building and the side yards being on the sides of the building. (Ord. 96-7, 12-10-1996, eff. 1-10-1997)~~

~~10-7D-4: ENTRANCE:~~

~~Every dwelling within a planned dwelling group shall have an entrance within sixty feet (60') of the parking spaces designated for the use of the occupants of the dwelling. (Ord. 96-7, 12-10-1996, eff. 1-10-1997)~~

**ARTICLE E. GROUP HOMES**

**SECTION:**

**10-7E-1: Required Conditions**

**10-7E-1: REQUIRED CONDITIONS:**

~~A residential facility for handicapped or elderly persons is allowed as a conditional use in any zone where residential dwellings are allowed. A permit may be issued to those facilities which meet the following requirements:~~

- ~~—A. Building, Safety And Health Regulations: The facility meets all City building, safety and health ordinances applicable to similar dwellings.~~
- ~~—B. Proper Supervision: The operator of the facility provides assurance that the residents of the facility will be properly supervised on a twenty four (24) hour basis.~~
- ~~—C. Structural Or Landscaping Alteration Unnecessary: The facility is capable of use as a residential facility for handicapped persons or elderly persons without structural or landscaping alteration that will change the structure's character.~~
- ~~—D. Distance To Another Facility: No such facility may be established or maintained within three-fourths (3/4) mile of another residential facility for handicapped or elderly persons.~~
- ~~—E. Alcohol Or Drug Abuse Treatment: No person being treated for alcoholism or drug abuse may be placed in a residential facility for handicapped or elderly persons.~~
- ~~—F. Violent Persons: No person who is violent may be placed in a residential facility for handicapped or elderly persons.~~
- ~~—G. Placement Voluntary: Placement in a residential facility for handicapped or elderly persons must be on a strictly voluntary basis and not a part of, or in lieu of, confinement, rehabilitation or treatment in a correctional facility. (Ord. 96-1, 9-10-1996, eff. 9-12-1996)~~

~~ARTICLE F. RECREATIONAL (TRAVEL TRAILER) VEHICLE PARK  
SECTION:~~

~~10-7F-1: Conditions Required~~

~~10-7F-2: Lot, Area And Space Requirements~~

~~10-7F-3: Access Drives~~

~~10-7F-4: Off-Street Parking~~

~~10-7F-5: Screening~~

~~10-7F-6: Landscaping~~

~~10-7F-7: Protective Easements~~

~~10-7F-8: Security Precautions~~

~~10-7F-1: CONDITIONS REQUIRED:~~

~~Under certain controlled conditions, recreational vehicle parks may be allowed as a conditional use for parking of campers, travel trailers, recreational vehicles, motor homes and tents. Neither the Planning Commission or the City Council shall approve a conditional use permit unless evidence is presented to establish: (Ord. 18-03, 5-22-2018)~~

~~—A. Ownership: That the site is in single ownership or unified control.~~

~~—B. Need Exists: That a need exists for the proposed recreational vehicle park.~~

~~—C. Plan Conformance: That the development plan is in conformance with the Comprehensive Plan.~~

~~—D. Exposure From Other Land Uses: That the site will not be exposed from other land uses to objectionable smoke, noise, odor or other adverse influences.~~

~~—E. Traffic: That the site has an acceptable relationship to the major traffic thoroughfare plan and that the site is accessible to recreational vehicles without causing disruption to residential areas.~~

~~—F. Utility And Drainage Facilities: That the proposed recreational vehicle park will not overload utility and drainage facilities and that sensitive environmental areas will not be adversely affected.~~

~~—G. Health And Safety Codes: That all local, County and State Health and Safety Codes are met (in design and operations stages). (Ord. 96-1, 9-10-1996, eff. 9-12-1996)~~

~~10-7F-2: LOT, AREA AND SPACE REQUIREMENTS:~~

~~—A. Minimum Area: The area of the lot on which such park is to located shall be at least five (5) acres.~~

~~—B. Setbacks:~~

~~—1. No trailer or service building or structure shall be placed or permitted within one hundred feet (100') of the road or street upon which the lot or area fronts, or within seventy five feet (75') of any other boundary line.~~

~~—2. The Planning Commission or City Council can approve setbacks of less dimensions than required if in its review of the site plan of the proposed RV park it finds evidence of special landscape buffering that in its determination effectively: a) visually screens the park from adjoining land uses; b) mitigates adverse impact on and from the park; and c) provides for an attractive park like setting. In no cases shall the setback distance be less than three feet (3').~~

~~—C. Maximum Density: The maximum density shall be fifteen (15) recreational vehicles or tent sites per acre. (Ord. 18-03, 5-22-2018)~~

~~—D. Open Space: A minimum of fifteen percent (15%) of the total area of the park shall be~~



~~reserved for the purpose of open space or recreational facilities (nonbuilding and RV pad space).  
Parcels of open space shall be sufficient size and distribution as to be a functional part of the  
entire development plan.~~

~~—E. Vehicular Spacing:~~

~~—1. Pull-through recreational vehicle sites shall maintain fifteen feet (15') between vehicle  
parking in adjoining sites.~~

~~—2. Back-in recreational vehicle sites shall maintain ten feet (10') between vehicles, to  
include automobiles parking in adjoining sites.~~

~~—F. Vehicle Setback To Building: Recreational vehicle sites shall be set back thirty feet (30')  
from any building. (Ord. 96-1, 9-10-1996, eff. 9-12-1996)~~

#### ~~10-7F-3: ACCESS DRIVES:~~

~~All private access drives shall be provided to each space, shall connect with a public street and  
shall have a minimum width of twenty feet (20') for interior circulation. Access drives shall be a  
hard surface or a dust-free material approved by the Planning Commission and the City  
Engineer. (Ord. 96-1, 9-10-1996, eff. 9-12-1996)~~

#### ~~10-7F-4: OFF-STREET PARKING:~~

~~Off-street parking shall be provided with a minimum of one parking space for every two (2)  
recreational trailer units. Minimum width access drives shall not be considered in fulfilling this  
requirement. Parking spaces shall be of crushed rock or other suitable hard surface as approved  
by the Planning Commission or City Council. (Ord. 96-1, 9-10-1996, eff. 9-12-1996)~~

#### ~~10-7F-5: SCREENING:~~

~~—A. Laundry Drying Yards: Laundry drying yards shall be screened by an opaque hedge, wall  
or fence not less than five feet (5') in height.~~

~~—B. Side And Rear Property Lines: A screening wall, fence or landscaping strip shall be  
provided to provide visual screening along the side and rear property lines when adjacent to a  
public street. (Ord. 96-1, 9-10-1996, eff. 9-12-1996)~~

#### ~~10-7F-6: LANDSCAPING:~~

~~All open space and setbacks shall be adequately landscaped to provide a park-like appearance.  
(Ord. 96-1, 9-10-1996, eff. 9-12-1996)~~

#### ~~10-7F-7: PROTECTIVE EASEMENTS:~~

~~The Planning Commission shall ensure the protection of and public access to natural features by  
requiring protective easements of sufficient size. (Ord. 96-1, 9-10-1996, eff. 9-12-1996)~~

#### ~~10-7F-8: SECURITY PRECAUTIONS:~~

~~A full-time caretaker shall be required on site to provide twenty-four (24) hour security to park  
tenants. Such caretaker shall be available on demand to park tenants. (Ord. 96-1, 9-10-1996, eff.  
9-12-1996)~~

### ~~ARTICLE G. KENNELS~~

#### ~~SECTION:~~

##### ~~10-7G-1: Hobby Kennels~~

#### ~~10-7G-2: Dog Kennels~~

##### ~~10-7G-1: HOBBY KENNELS:~~

~~Hobby kennels may be permitted as a conditional use in any R-L, R-LM or R-M zone; provided, that the following requirements are met and, in the opinion of the planning commission or city council, it would not be detrimental to the neighborhood in which it is located. (Ord. 2001-10, 3-27-2001)~~

~~—A. Lot Requirements: The kennel must be located on the same lot as the residence of the dog owner(s) and said lot must be at least one acre in size.~~

~~—B. Health Codes: The kennel and the dogs kept therein shall meet all provisions of the state and county health codes and shall be in compliance with the Davis County animal control ordinance.~~

~~—C. Use Of Dogs: The dogs kept in the kennel are to be used for the showing of dogs in formally recognized dog shows, the training of dogs for field trials, obedience, tracking and other purposes or for recreational and sporting purposes.~~

~~—D. Maximum Number: A maximum of five (5) dogs over one year in age may be kept, together with one dog up to one year in age and dependent young up to four (4) months in age.~~

~~—E. Shelter: The applicant shall provide dog runs with shelter to protect the animals from foul weather and excessive exposure to natural elements. Said runs shall be designed to prevent the escape of any dog contained therein.~~

~~—F. Distance To Adjacent Residence: The dog runs shall be located a minimum of one hundred feet (100') from a residence on an adjacent lot.~~

~~—G. Registration Of Dogs: Dogs must be registered with AKC, UKC or Field. (Ord. 96-1, 9-10-1996, eff. 9-12-1996)~~

##### ~~10-7G-2: DOG KENNELS:~~

~~The planning commission or city council may approve a permit only after they are confident that all of the following conditions will be met:~~

~~—A. Health Codes: The dog kennel shall meet or exceed all applicable local, county and state health codes as to construction and maintenance of kennels, runs, shelters and waste disposal systems. In addition, a sign-off of the proposed kennel by the county health department shall be required before a permit can be issued.~~

~~—B. Screening; Setbacks: The kennel will not pose a nuisance to neighboring property owners and may be given special consideration as to screening and setbacks. In no case shall any kennel be located less than one hundred feet (100') from any public street or dwelling on adjacent property and not less than ten feet (10') from any side or rear lot line.~~

~~—C. Secondary Use: In any T-1 zone, a dog kennel shall only be permitted as a secondary use when a residential dwelling, as a main use, previously exists prior to the request. (Ord. 96-1, 9-10-1996, eff. 9-12-1996)~~

#### ~~ARTICLE H. ELECTRONIC COMMUNICATION FACILITIES AND EQUIPMENT SECTION:~~

##### ~~10-7H-1: Application; Site Location Master Plan~~

##### ~~10-7H-2: Considerations~~

##### ~~10-7H-3: Conditions~~

**10-7H-1: APPLICATION; SITE LOCATION MASTER PLAN:**

In addition to other application requirements of this Chapter, applications for electronic communications facilities shall be accompanied by a site location master plan, identifying existing facilities and the approximate number and locations of new facilities expected to be constructed within the City for ten (10) years following the date of the application. (Ord. 96-7, 12-10-1996, eff. 1-10-1997)

**10-7H-2: CONSIDERATIONS:**

In addition to conditional use standards outlined in this Chapter, the Planning Commission or City Council shall consider the following:

- A. Co-Location: Whether co-location of the antenna on other existing structures in the same vicinity, such as other towers or buildings, has been sought. (It is the policy of the City that co-location of 2 or more antennas on a single communications tower be encouraged as the primary option.)
- B. Location And Design: The location and design of the antenna and tower in relation to existing vegetation, topography and buildings to obtain best visual screening.
- C. Spacing: Whether spacing between towers creates quantifiable detrimental impacts to adjoining properties. (Ord. 96-7, 12-10-1996, eff. 1-10-1997)

**10-7H-3: CONDITIONS:**

No permit shall be issued for electronic communications facilities unless all of the following conditions have or will be met:

- A. Building Permit Required: A building permit will be obtained for each tower and related facilities. Each application for a building permit shall be accompanied by plans and calculations certified by a licensed professional engineer that the facility meets the applicable electrical safety, material and design integrity, seismic safety and wind and snow loading standards.
- B. Accessory Buildings: Accessory buildings of facilities must comply with required setback, height and landscaping requirements of the zoning district in which they are located. All power lines on the lot to the communication facility shall be underground.
- C. Fencing: Freestanding facilities shall be surrounded by a fence that is at least six feet (6') high and constructed of material appropriate to the location as approved by the City Council.
- D. Climbing Peg Removal: Climbing pegs shall be removed from the lower twenty feet (20') of all communications towers.
- E. Overhanging Or Encroaching: No communication facility shall overhang, encroach upon or block a public right of way or public sidewalk.
- F. Residential Zones: No monopole or lattice tower may be located within a residential zone and may not be located less than one and one-half (1 1/2) times the height of the tower from any residential zone boundary. This restriction may be reduced by the approving body, provided demonstrable need can be shown.
- G. Setbacks: No monopole or lattice tower may be located in any required landscaped or parking area and shall comply with the setback requirements of the zone in which it is located.
- H. Guyed Towers Prohibited: Guyed towers used to support low power radio communication service are not permitted in any zone. (Ord. 96-7, 12-10-1996, eff. 1-10-1997)

**ARTICLE I. PLANNED UNIT DEVELOPMENTS (PUD)  
SECTION:**

10-71-1: Purpose

10-71-2: Permitted Uses

10-71-3: Site Plan Requirements

10-71-4: Conditions Required

10-71-1: PURPOSE:

The purpose of the planned unit development (PUD) is to allow diversification in the relationship of residential uses and structures to their sites and to permit more flexible development of those sites. It is intended to ensure substantial compliance with zone regulations and other public health, safety and general welfare while allowing flexibility of design, encouraging open space preservation and securing the advantages of large-scale site planning. Compliance with these regulations in no sense excuses the developer from the applicable requirements of the subdivision standards 1. (Ord. 2000-9, 7-11-2000)

Notes

1

1. See Title 11 of this Code.

10-71-2: PERMITTED USES:

Uses permitted in a PUD shall be those permitted in the zone in which the development is located; provided, that for the purposes of this Article, single-family attached dwellings such as townhouses, row houses and zero lot line lots shall be considered single-family dwellings and may be permitted in a zone which allows only single-family dwellings. (Ord. 2000-9, 7-11-2000)

10-71-3: SITE PLAN REQUIREMENTS:

The application shall be accompanied by a site plan showing the use or uses, dimensions and locations of structures, dimensions and locations of areas reserved for vehicular access and parking, open spaces, architectural drawings and sketches demonstrating the nature and character of proposed uses and the physical relationship of uses, information on residential density, open space area and such information as may be necessary to determine that the provisions of this Article are met. (Ord. 2000-9, 7-11-2000)

10-71-4: CONDITIONS REQUIRED:

The following conditions and requirements shall be met before any planned unit development will be approved:

—A. Area: The minimum land area required for the development of the combined total of all contiguous phases of a single PUD is five (5) acres.

—B. Ownership: The development shall be in single, corporate or undivided interest partnership ownership at the time of application.

—C. Protection Of Adjacent Properties: The Planning Commission or City Council shall require such arrangements of structures and open spaces within the site as necessary to assure that adjacent properties will not be adversely affected.

—D. Base Density And Density Bonuses:

—1. The base density allowed in a PUD is the maximum density allowed in the zone in which the project is located. Where projects include more than one zone, the base density will be figured separately for that portion of the project site in each zone. In these cases, the actual placement of the lots or dwelling units will not be restricted to that zone in which their density



numbers were calculated.

—2. A bonus density of ten percent (10%) of the base density may be added to the project if, in the opinion of the Planning Commission and City Council, considerable effort has been made to preserve significant open spaces which are open to the public.

—3. A bonus density of ten percent (10%) of the base density may be added to the project if, in the opinion of the Planning Commission and City Council, the quality of the project is significantly enhanced through the use of unique architectural and site design and exterior materials, including brick, stone, stucco or other materials of similar quality, durability and low maintenance requirements.

—E. Lot And Yard: Lot area, width and yard requirements shall be determined by approval of the site plan, however, in no case shall any lot be less than eight thousand (8,000) square feet in area. Every effort shall be made on the site plan to cluster dwelling units and consolidate open space into areas functional for recreation or other approved purposes.

—F. Open Space: Every PUD shall provide open space equal to at least thirty percent (30%) of the total site area. The required open space may be a naturally vegetated area of scenic value or a totally landscaped area. It may consist of water features, trails, parks, playgrounds, recreation facilities, agricultural areas and similar areas which promote the preservation of outdoor experiences and the rural atmosphere of the city. The thirty percent (30%) required open space shall not consist of jurisdictional wetlands, land within the AICUZ noise zone 75 Ldn or higher, steep hillsides, rivers and streams, or other lands which could not be used for residential building sites anyway. These lands may be included in open space areas but will not be part of the calculated thirty percent (30%) open space. No streets, driveways or parking areas may be included as part of the required open space. No area within building lots may be considered as part of the open space unless it is within a lot of at least two (2) acres in area, then all except one half (1/2) acre of the lot may be considered part of the open space. Any open space not within lots of two (2) acres or larger shall be accessible to all residents of the development and their guests.

—G. Open Space Preservation: Preservation, maintenance and ownership of required open space within the development shall be accomplished by:

—1. Dedication of the land to the city as a public park or parkway system, if so proposed by the developer and accepted by the city; or

—2. Granting to the city a permanent open space easement on and over the said private open spaces to guarantee that the open space remains perpetually in the use for which it was intended, with ownership and maintenance responsibilities being that of a homeowners' association established with articles of association and bylaws which are satisfactory to the city;

—3. Complying with the provisions of the condominium ownership act of 1963, title 57 chapter 8 Utah Code Annotated, as amended, which provides for the payment of common expenses for the upkeep of common areas and facilities.

—H. Streets: Streets may be either public or private. They may be required to be public if they are on the South Weber City Vehicle Transportation Map or if so determined by the approving body. If the streets are public, then they shall meet the applicable requirements of the Public Works Standard Drawings. Private streets shall meet the provisions of the underlying zones.

—I. Landscaping: Landscaping, including a planting plan, fencing and screening within the site shall be presented as part of the application and shall meet the requirements of chapter 15 of this title.

—J. Drainage: A grading and drainage plan shall be submitted with the application. (Ord. 2000-

~~9, 7-11-2000; amd. Ord. 2001-6, 2-27-2001; Ord. 2021-14, 1-11-2022)~~

Commented [TC2]: Create Overlay Zone

## ARTICLE J. MODEL HOMES

### SECTION:

#### 10-7J-1: Purpose

#### 10-7J-2: Conditions Required

#### 10-7J-1: PURPOSE:

~~There may also arise the need to construct and occupy a model home with a temporary real estate sales office for the sale of building lots or residences within a specific development. It is the purpose of this Article to set forth conditions under which these uses may occur. (Ord. 98-16, 7-28-1998)~~

#### 10-7J-2: CONDITIONS REQUIRED:

~~A conditional use for a model home to be used for a sales office for sale of real estate within the same development and the construction management office that the model home resides in may be permitted for a period of one year provided the following conditions are met:~~

- ~~—A. Time extensions may be granted by the Planning Commission provided that a maximum of two (2) extensions of six (6) months each may be granted. Extensions may only be granted if not more than eighty percent (80%) of the subdivision is sold.~~
- ~~—B. Adequate off-street parking is provided for employees working in the model home, as well as at least two (2) parking spaces for visitors touring the model home.~~
- ~~—C. A signage and lighting plan is provided showing size and location of all signs and associated lights.~~
- ~~—D. The hours of operation must be noted and approved.~~
- ~~—E. A model home shall not be used for a general real estate office.~~
- ~~—F. A business license must be obtained to operate a business in a model home in the City.~~
- ~~—G. All infrastructure should be completed as per the Subdivision Ordinance <sup>1</sup> requirements prior to the construction of the model home. (Ord. 98-16, 7-28-1998)~~

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#### Notes

- <sup>1</sup> See Title 11 of this Code.

## ARTICLE K. BUSINESS USES IN RESIDENTIAL AND AGRICULTURAL ZONES

### SECTION:

#### 10-7K-1: Application; Contents

#### 10-7K-2: Verification Of Information

#### 10-7K-3: Conditions Required

#### 10-7K-4: Review Of Compliance

#### 10-7K-1: APPLICATION; CONTENTS:

~~All businesses which do not conform to the provisions of Article A or B of this Chapter, operating within a residential or agricultural zone shall have six (6) months from the effective date of this Article to apply for a conditional use permit under the provisions herein. Any such business operating within a residential or agricultural zone which fails to apply for a conditional use permit within this time shall be deemed to have waived its rights to continue its business and~~

~~shall be ordered to cease doing business at the end of the six (6) month application period. At the end of the six (6) month application period, any business in a residential or agricultural zone which may have held status as a nonconforming use under the provisions of this Title shall lose all rights previously granted under those provisions.~~

~~Each business applying for a conditional use permit shall complete an application on a form to be supplied by the City. At minimum, the business shall supply the following information:~~

- ~~—A. Name and address of the business applying for a conditional use.~~
- ~~—B. Type of business conducted in the residential or agricultural zone.~~
- ~~—C. Number of employees working at the site in the residential or agricultural zone.~~
- ~~—D. Number of employees in and out of the site in the residential or agricultural zone on a daily basis.~~
- ~~—E. Number of vehicle trips into and out of the site on a daily basis.~~
- ~~—F. Number and types of vehicles and equipment normally kept at the site.~~
- ~~—G. Amounts and types of materials kept at the site.~~
- ~~—H. The land area (in square feet) occupied by the use.~~
- ~~—I. The number of buildings on the site in the residential or agricultural zone.~~

~~The application shall be accompanied by an application fee, which shall be set by resolution of the City Council and shall be in an amount necessary to reimburse the City for its costs in reviewing and approving the applications. (Ord. 98-26, 1-12-1999)~~

#### ~~10-7K-2: VERIFICATION OF INFORMATION:~~

~~The City's Building Inspector shall verify the information contained within the application of any business operating on a site located in a residential or agricultural zone with an on-site inspection, as well as taking a photograph, to ensure that the information contained in the application accurately reflects the use of the site. (Ord. 98-26, 1-12-1999)~~

#### ~~10-7K-3: CONDITIONS REQUIRED:~~

~~Neither the Planning Commission nor the City Council shall approve a conditional use permit for a business operating in a residential or agricultural zone unless the following conditions are included in the permit:~~

- ~~—A. The business shall take all necessary steps to prevent the escape of dust from the site in the residential or agricultural zone.~~
- ~~—B. The business shall take all necessary steps to prevent excessive noise and light from emanating from the site in the residential or agricultural zone so that the business's operations do not become a nuisance affecting the surrounding uses.~~
- ~~—C. The business shall be required to landscape its site in the residential or agricultural zone so that, as much as possible, it is in harmony with the surrounding uses.~~
- ~~—D. The planning commission or city council shall set reasonable hours of operation for the business. These hours of operation shall be set on an individual basis and shall reflect the needs of the surrounding residential and/or agricultural uses.~~
- ~~—E. The business shall agree that no hazardous materials (as defined by applicable state and federal statutes and regulations) are stored on the site with the exception of fuels for motor vehicles which shall be stored in sealed underground tanks or other containers approved for such storage by the state. Other hazardous materials may not be stored at the site without specific-written permission of the city, which shall not be given until after a public hearing has been held on the request.~~

~~—F. The planning commission or city council shall include a condition prohibiting the business from expanding its use on the site within the residential or agricultural zone beyond the limits set out in the application and the building inspector's report of the use of the property unless the expansion is first approved by the city council.~~

~~—G. All businesses operating sites within a residential or agricultural zone shall be required to have a current business license from the city and shall keep all other required licenses and permits which may be issued by the city or any other governmental entity current as a condition of operating the business within the residential or agricultural zones.~~

~~—H. The planning commission or city council shall set such other conditions as are reasonably necessary to ensure the safety of persons on the site or on the surrounding properties and to ensure compatibility with surrounding properties so far as possible. (Ord. 98-26, 1-12-1999)~~

#### ~~10-7K-4: REVIEW OF COMPLIANCE:~~

~~The South Weber City manager shall review the business' compliance with conditions set forth in the conditional use permit at least annually as part of the business' application for renewal of its business license. If it is found that the business is not in compliance, then the business shall be brought before the planning commission for review. (Ord. 11-03, 3-8-2011)~~

#### ~~ARTICLE L. TWO FAMILY DWELLINGS AT A MAJOR INTERSECTION SECTION:~~

##### ~~10-7L-1: Purpose~~

##### ~~10-7L-2: Conditions Required~~

##### ~~10-7L-1: PURPOSE:~~

~~The purpose of this article is to establish conditions under which two family dwellings may be allowed in single family residential zones where, due to existing street and traffic conditions, the building of single family homes may be less desirable. (Ord. 18-07, 9-25-2018)~~

##### ~~10-7L-2: CONDITIONS REQUIRED:~~

~~A conditional use for a two family dwelling in certain single family residential zones may be approved if the following conditions are met:~~

~~—A. The lot is adjacent to two (2) roads that form a major intersection as defined in section 10-1-10 of this title.~~

~~—B. The minimum lot size shall be the minimum lot size for a single family residence in the same zone.~~

~~—C. Access to driveway shall be as far from the intersection as practical and driveway access points for the individual units shall be combined into one access point where practical as approved by the Planning Commission.~~

~~—D. The driveway(s) are required to access only the major collector.~~

~~—E. The intersections applicable are as follows:~~

~~1. South Weber Drive and future South Bench Drive.~~

~~2. South Weber Drive and 1200 E.~~

~~3. South Weber Drive and 1900 E.~~

~~4. Deer Run Drive and 2700 E.~~

~~—F. Site plans must be approved by the Planning Commission.~~

~~—G. Driveways must be designed so that vehicles enter and exit in a forward motion. (Ord. 18-~~



07, 9-25-2018)

**Commented [TC3]:** Add to applicable zoning text

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